







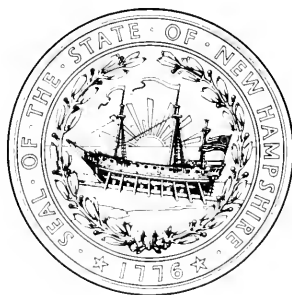








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2002 Session  
January 2, 2002  
through  
June 27, 2002

GENE G. CHANDLER  
SPEAKER

KAREN O. WADSWORTH  
CLERK

DEBORAH NIELSEN  
SERGEANT-AT-ARMS

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# HOUSE JOURNAL No. 1

Wednesday, January 2, 2002

This day, January 2, 2002, the first Wednesday following the first Tuesday in January, being the day designated by the Constitution (Art. 3<sup>rd</sup>, Part 2<sup>nd</sup>) for assembling of the second-year session of the 157<sup>th</sup> General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2002 House of Representatives and called the session to order at 10:00 a.m. Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever watchful Creator, as we gather in this honorable House at the beginning of a new year, we ask Your blessing upon the people's work accomplished here in the weeks ahead. May each House member be given wisdom, courage and an open heart as the ebb and flow of democracy shapes and directs the actions that will affect the lives of the citizens of our beloved New Hampshire.

As always we ask that Your protective hand be with the men and women of our armed forces, police, fire service and postal workers who protect us and the freedoms we cherish. Enable us to stand united against terrorism of any kind so that the true benefits and responsibilities of a free society may be shared by all Your people. Amen.

Rep. Debra Naro led the Pledge of Allegiance.

The National Anthem was sung by Scott Bales, Jason Beisiegel, Bridget Bixby, Aynsley Brien, Scott Cocchiaro, Esther Corum, Lisa Fligg, Shoshana Funk, Kristen Hahn, Kelly MacNeil, Peter Maes, Colin McIver, Vanessa Medbery, Sondra Montville, Abra Mueller, Lindsay Page, Steve Pirmie, Jason Roy, Hilarie Snogren, Lilly Stolper and Tanya Wright, members of the Plymouth Regional High School Chamber Singers.

## LEAVES OF ABSENCE

Reps. Balcom, Chabot, Crosby, Leo Fraser, Pilliod, Teschner, Schulze, Whittemore, Carol Ann Williams and Yeaton, the day, illness.

Reps. Bouldin, DePecol, Dunlap, Stephanie Eaton, Jeffrey Gilbert, Lessard, Martin, Palermo, Marsha Pelletier, Tara Reardon, Reeves, Saia and Seibel, the day, important business.

Reps. Julie Brown, Flint and Leishman, the day, illness in the family.

## INTRODUCTION OF GUESTS

Pamela Ellis, guest of Rep. Paul Ferland. Lee Hammond, guest of Rep. Almy. Former Representative and Executive Councilor Jim Normand, guest of Reps. Goley and Splaine. Kenneth and Margaret Colburn, Jay Allen, guests of Reps. Naro and Mary Cooney. Bernard Scott and Brandon Carroll Foster, Jennifer Gates, husband, son and guest of Rep. Linda Foster.

## SPECIAL GUEST

Jennifer Stein, Miss Teen New Hampshire, her parents, Roger and Linda, and brother, Andrew Stein, special guests of the House.

## CALL OF THE ROLL

With 341 members having answered the call of the roll, a quorum was declared present.

The House of Representatives offered the following:

## HOUSE RESOLUTION 22

Honoring and Memorializing Niels F. F. Nielsen, Jr.  
Caretaker *Emeritus* of the Old Man of the Mountain

WHEREAS, our beloved New Hampshire, the Granite State, is a place of magnificent natural beauty; and

WHEREAS, one of the great natural wonders of our state is the granite landmark known to all as the Old Man of the Mountain; and

WHEREAS, Niels F. F. Nielsen, Jr., a gentle giant of a man, a native of Brooklyn, New York who moved to New Hampshire in 1958 and adopted it as his own, took special notice of the "Old

Man,” becoming the leader of the work crew that maintained him and, in 1971, becoming the first person to repair the south face, one of the first to go over the Old Man’s forehead, and ultimately spending more than thirty years of his life preserving this great New Hampshire landmark; and

WHEREAS, with foresight, determination and ingenuity, Niels Nielsen saved our state treasure from the eroding forces of gravity and weather, also raising thousands of dollars to preserve the Old Man for future generations to enjoy and creating a museum and non-profit preservation association; and

WHEREAS, in 1987, Niels F. F. Nielsen, Jr. was appointed the first Official Caretaker of the Old Man of the Mountain, a title he held with great pride until it was passed to his son, David, in 1991, when he himself became Caretaker *Emeritus*; and

WHEREAS, Niels F. F. Nielsen, Jr. was a man who gave freely of himself in many avenues of service – to his community, state and country, including serving as a member of this House representing Grafton County District #8; and

WHEREAS, it is a widely held belief that when the Old Man of the Mountain heard of the passing of his longtime friend and caretaker, a tear was shed by this great landmark of the Granite State; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that our former friend and colleague Niels F. F. Nielsen, Jr. be granted the highest praise and heartfelt thanks from a grateful State; and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a suitable copy of this Resolution be prepared for presentation to his family. Unanimously adopted by a rising vote.

### INTRODUCTION OF SPECIAL GUESTS

David Nielsen, Michael Nielsen and Deborah Nielsen joined the Speaker on the rostrum. Without objection, the Speaker moved that the remarks made by David Nielsen and Rep. Mary Cooney be entered into the Permanent Journal.

### REMARKS

David Nielsen: Mr. Speaker, Ladies and Gentlemen. On behalf of the Nielsen family we would like to thank you very much. Those of you who knew my father knew that he never did anything in search of the praise that came after it. I’m sure he would appreciate this if he were here today. Thank you again. Rep. Cooney: We in the House represent the people of this beautiful state. There is a part of Cannon Mountain up in Franconia Notch which also represents our state. We refer to this piece of granite as the Old Man of the Mountain. His image is depicted on official stationary, highway signs, souvenirs, names of businesses and organizations. His image is cast even on our 2000 state quarter. If it were not for a few dedicated men, this image might not still be standing. One of those men is Niels Nielsen.

Last September we were all caught up in the events and aftermath of 9-11. We may not have noticed that September also marked the end of the remarkable life near and dear to New Hampshire, that of Niels Nielsen. On September 16<sup>th</sup>, Niels passed away in Belmont at the age of 74.

Niels was born and grew up in Brooklyn, New York. He received training at the White Mountain Law Enforcement Academy, the New Hampshire Police Standards and Training School, the Federal Bureau of Investigations Firearms Instructor School and other police schools. During World War II, he served in the Merchant Marines and sailed in the Atlantic, Pacific and Far East war zones in 1945. After the war, Niels worked as a deckhand on tugboats working the Hudson River, Erie Canal and the Great Lakes. In 1947, he met Louise Colburn and they were married in 1948. Niels’ first police appointment was in Queens, New York in 1950. He was later promoted to lieutenant of operations in the 24<sup>th</sup> division.

Niels and Louise moved to New Hampshire in 1958. In 1960, he became employed by the State of New Hampshire Highway Department, and was promoted to superintendent in 1961, a position he held until he retired in 1988. While he worked for the state, Niels also served as a special police officer for the towns of Plymouth, Bridgewater, Sanbornton, Waterville Valley, as well as Grafton and Coos counties. He served as Plymouth selectman from 1981 to 1985, served on the Plymouth Planning Board, school building planning committee and other various committees for the town. He was a constant presence around town and at school sports events. Niels also served as a state representative from Plymouth for one term, 1991 to 1992. During all this time he was also raising four sons with his wife, Louise. His greatest legacy to his sons was to instill a sense of giving back to your community.



Aside from his official duties, Niels was active in his church, the Rumney Baptist Church, and later in his life was dedicated to his work in the State Prison through the Chuck Colson Prison Fellowship Ministry. Those who worked with him there said he had a remarkable gift for reaching those who felt life had dealt them a bad hand. Some of these prisoners had never experienced the care and concern Niels was able to give them. Because of Niels, they were able to lead productive lives once they had been released.

Aside from his civic responsibilities, Niels enjoyed hunting, fishing, pistol competitions and competitive archery. He was even seen exhibiting his considerable archery skills on *The Tonight Show*. While Niels was working for the Highway Department, he became a member of the caretaking crew for the Old Man in 1960. At that time it was decided that regular yearly inspections should be made. Niels had admired the great stone face since he had first laid eyes on it on a trip with his fiancée, Louise in 1947. This job grew into a passion and love which maybe only his son David and daughter-in-law Deborah can fully understand. David had accompanied his father to the mountain from the time he was 11. He brought Deborah up to the Old Man on their second date. In 1965, the responsibility of preserving the Old Man passed to Niels. His emotions about assuming this responsibility can be summed in his own words, "I don't believe anyone can be up there even for one trip and not feel the presence of God and be awed at the magnificence of His handiwork in taking a pile of rocks and shaping them into that great Profile."

The first set of turnbuckles was installed in 1916 by Edward Geddes, a quarry superintendent from Quincy, Mass., who along with the Reverend Guy Roberts were the first champions of preserving the Old Man. If these two men hadn't persevered in their efforts to save the profile, we probably would not have our Old Man today. Edward Geddes would take his daughter, Mabelle, along with him to periodically check his work and paint the turnbuckles. A second set of turnbuckles was installed in 1958 during a major preservation effort after movement was detected. A canopy was installed over a foot-wide fissure to prevent further damage. Niels set up a program of regular maintenance for the Old Man including measuring, maintaining the water diversion trough, applying epoxy to the cracks, checking and adjusting the turnbuckles and repairing the canopy.

In 1971, Niels was the first man to conduct repairs on the south face and was one of the first to go over the Old Man's forehead in a bos'n's chair. Dick Hamilton, president of White Mountain Attractions and a long-time member of the Old Man crew, took a picture of Niels from Echo Lake with a telephoto lens which appeared the next day on the front page of the *Boston Globe* with the caption "Nose Job." From that moment on Niels was a celebrity and never missed a chance to promote the Old Man and its preservation. He formed a non-profit preservation association and helped to create a museum dedicated to the history of the Old Man which is located next to the gift shop at the base of Cannon Mountain.

In 1987, Niels was named "Official Caretaker of the Old Man" by Governor John Sununu, which ensured that he would retain control of the care of our landmark. He carried out his duties in that capacity until one day in 1989 when he couldn't jump across the seven-foot gap he had dubbed "decision rock". So the following year, he passed his official duties to David and Deborah. Niels became "Caretaker Emeritus" or as he said, "over the hill." Niels still went along as chief cheerleader and advisor as long as he was able.

Niels had an extraordinary and almost supernatural relationship with the Old Man. He had many conversations with him while dangling 1,400 feet above Echo Lake as he was scrubbing his cheeks and cleaning his ears. He talked to the Old Man and the Old Man talked to him. A part of Niels will always be up there on Profile Mountain, as that side of Cannon is officially called, with the Great Stone Face. In his own words, "Every one of us, the sons and daughters of this country, owe it something. My something just happened to be the Old Man."

## RESOLUTION

Reps. Scanlan and Burling offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1403 through 1406, and House Resolution numbered 21 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, and HR

### First, second reading and referral

**HB 1403-L**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. (Sweeney, Hills 31; Heon, Straf 14; Dickinson, Carr 2; Gilmore, Straf 11; Clegg, Hills 23; Barnes, Dist 17; Hollingworth, Dist 23; D'Allesandro, Dist 20: Municipal and County Government)

**HB 1404-FN-A-L**, establishing an economic development resort and casino at Jericho Lake Park in Berlin. (Gallus, Coos 7; Roberts, Ches 4; Clemons, Hills 31; Mears, Coos 7, Saia, Rock 22: Ways and Means)

**HB 1405**, relative to the Memorial Day holiday. (J. Flanders, Rock 18; Guay, Coos 6; Berube, Straf 14; Welch, Rock 18; Stevens, Carr 7, J. Bradley, Carr 8; D'Allesandro, Dist 20; Prescott, Dist 19: State-Federal Relations and Veterans Affairs)

**HB 1406**, permitting the appointment of a temporary guardian for the children of activated members of the armed services and creating a committee to study the tuition waiver for national guard members. (Coughlin, Hills 12; Fields, Hills 18; Scanlan, Graf 11; Craig, Hills 38; Soltani, Merr. 10; Barnes, Dist 17; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

**HR 21**, urging the development and implementation of a national missile defense system. (Guinta, Hills 39; Heon, Straf 14: State-Federal Relations and Veterans Affairs)

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases, removed by Rep. Dowling.

**HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life, removed by Rep. Wendelboe.

**HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities, removed by Rep. Musler.

**HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs, removed by Rep. Musler.

**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury, removed by Rep. Dyer.

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children, removed by Rep. Dyer.

**HB 757**, establishing an early literacy and reading improvement initiative, removed by Rep. Kurk.

**HB 285-FN-L**, relative to the adoption of a state building code, removed by Rep. Dokmo.

**HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state, removed by Rep. Sova.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency, removed by Rep. McGuirk.

**HB 689**, establishing a committee to study the effectiveness and fairness of county government, removed by Rep. Jacobson.

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals, removed by Rep. Weyler.

**HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund, removed by Rep. Hess.

Consent Calendar adopted.

**HB 447**, relative to the establishment of parenting plans in certain domestic cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill puts a task force in place to review different problems that can occur during a divorce procedure. This task force would report back recommendations to hopefully resolve some of these problems. Vote 14-0.

**Amendment (2038h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force on family law.

Amend the bill by replacing all after the enacting clause with the following:

I Task Force on Family Law Established. There is established the task force on family law consisting of 21 members who shall serve at the pleasure of the governor. The members shall include persons familiar with family law, mediation, family support, and children's services. All non-legislative members shall be appointed by the governor. The members of the task force shall be as follows:

- (a) A marital master.
- (b) A judge of the superior court.
- (c) A judge of the family division.
- (d) A court alternative dispute resolution representative.
- (e) An attorney with the department of health and human services, division of children, youth, and families.
- (f) A representative of the department of health and human services, division of child support and child support enforcement.
- (g) A child psychologist.
- (h) A member of the New Hampshire Bar Association.
- (i) A member of the family law section of the New Hampshire Bar Association.
- (j) A representative of guardians ad litem.
- (k) A child impact provider/instructor.
- (l) A representative for women.
- (m) A representative for men.
- (n) A representative of the Coalition Against Domestic Violence.
- (o) Two members of the house of representatives, one of whom is a member of the children and family law committee and one of whom is a member of the judiciary committee, appointed by the speaker of the house.
- (p) A member of the senate, appointed by the senate president.
- (q) A male community member who is also an experienced consumer of family law, mediation, family support, or children's services.
- (r) A female community member who is also an experienced consumer of family law, mediation, family support, or children's services.
- (s) Two at-large members.

II. The governor shall appoint one member to serve as the chairperson. The task force shall meet at least monthly at a date, time, and place designated by the chairperson. Nine persons shall constitute a quorum for the transaction of business. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

III. A member who misses 3 consecutive meetings may be removed from the task force. The governor shall immediately fill all vacancies of non-legislative members. The speaker of the house of representatives or the senate president shall immediately fill all vacancies of legislative members.

2 Duties. The task force on family law is charged with developing a proposal for integrating a non-adversarial system for families undergoing divorce, separation, custody disputes, and other family matters. In accomplishing its goal, the task force shall:

- I. Gather information on and study the current state of family law and its application in the court system, including current procedures and reporting requirements.
- II. Develop a comprehensive plan, including, but not limited to:
  - (a) Recommendations for modifying New Hampshire's family laws.
  - (b) Recommendations for modifying court rules as they apply to family law.
  - (c) Recommendations to increase efficiencies of case processing, reporting, and information exchanges.

III. Consider how the proposals of the task force may be coordinated with family resource centers and family service centers in order to integrate a non-adversarial family law system that provides support to families prior to making a decision regarding divorce, custody, or other family law issues.

3 Report. The task force shall:

I. Provide an annual report describing the task force's activities and findings to the house and senate judiciary committees, the house committee on children and family law, and any other relevant committees.

II. Submit a final report to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005. The final report shall outline the findings and recommendations of the task force.

4 Prospective Repeal. Sections 1-3 of this act, relative to the task force on family law are repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 31, 2005.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a task force on family law to develop a proposal for integrating a non-adversarial system for families undergoing divorce, separation, custody disputes, and other family law matters.

**HB 449**, relative to access to adoption records. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Furman for Children and Family Law: The committee could not arrive at a consensus relative to possible confidentiality issues. The committee felt that the current law is appropriate at this time. Vote 13-2.

**HB 586**, excluding stepchildren from the definition of "child" in the context of support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill removes "stepchildren" from the definition of "dependent child." It also amends RSA 546-A:1, Uniform Civil Liability for Support. Vote 15-0.

### Amendment (1911h)

Amend the bill by replacing sections 4 and 5 with the following:

4 Alternative Method of Support Enforcement for Dependent Children; Definition of Dependent Child. Amend RSA 161-C:2, II to read as follows:

II. "Dependent child" means any natural[;] ~~or adoptive[; or stepchild]~~ **child** who is not self-supporting, married, or a member of the armed services, or who has not reached the age of 18 years.

5 Alternative Method of Support Enforcement for Dependent Children; Definition of Responsible Parent. Amend RSA 161-C:2, IX to read as follows:

IX. "Responsible parent" means the natural[;] ~~or adoptive [or step-parent]~~ **parent** of a dependent child.

**HB 599-FN**, relative to unlawful possession of alcohol by a minor. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn M. Gargas for Children and Family Law: Study on this bill indicated it was not needed because of current practices, programs and studies. At this time police departments have a variety of methods to deal with youth under age 16 in possession of alcohol. In addition, information was received about programs being initiated – a youth drug and alcohol treatment program and a pilot youth drug/alcohol court. Also, there is a study committee reviewing children in need of services. Vote 14-0.

**HB 661**, relative to hearing timelines in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill changes the hearing timelines in abuse and neglect cases to five days in emergency situations and twenty-one days for adjudication and dispositional hearings, excluding Saturdays, Sundays, and holidays. It also requires the court to reschedule the adjudication hearing within a month after a waiver. Vote 12-1.

### Amendment (2037h)

Amend the bill by replacing all after section 1 with the following:

2 Public Safety and Welfare; Child Protection Act; Preliminary Hearing; Adjudicatory Hearing Timeline. Amend RSA 169-C:15, III(d) to read as follows:

(d) Set a date for an adjudicatory hearing to be held within [30] **21** days of the filing of the petition, *excluding Saturdays, Sundays, and holidays*.

3 Public Safety and Welfare; Child Protection Act; Adjudicatory Hearing; Timeline for Hearing on Final Disposition. Amend RSA 169-C:18, VII to read as follows:

VII. The court shall hold a hearing on final disposition within [30] **21** days after a finding of neglect or abuse, *excluding Saturdays, Sundays, and holidays*.

4 New Paragraph; Child Protection Act; Adjudicatory Hearing; Hearing Date. Amend RSA 169-C:18 by inserting after paragraph I the following new paragraph:

I-a. An adjudicatory hearing shall be held as provided in RSA 169-C:15, III(d). A parent may request a new hearing date from the court. Upon granting any such request, the court shall reschedule the hearing to be held within 30 days of the filing of the request.

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires that, in abuse and neglect cases:

I. The preliminary hearing be held within 5 days of filing the petition, excluding Saturdays, Sundays, and holidays.

II. The adjudicatory hearing be held within 21 days of filing the petition, excluding Saturdays, Sundays, and holidays.

III. The disposition hearing be held within 21 days of the finding, excluding Saturdays, Sundays, and holidays.

The bill also permits a parent in an abuse and neglect case to request a 30-day continuance of the adjudicatory hearing.

### **HB 686**, relative to the scope of discovery in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill resolves the problem which arises when an individual accused of abuse or neglect of a child needs evidence in the possession of Division of Children, Youth and Families or a law enforcement agency and the agency refuses to release it because it constitutes part of an ongoing investigation. Resolution is accomplished by requiring the court, on request of the respondent, to submit the evidence to a judge of the Superior Court for in-camera review. The judge will determine whether the evidence is important to the defense and whether it will be released to the respondent. Vote 12-1.

### **Amendment (2014h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Child Protection Act; Evidence; Scope of Discovery. Amend RSA 169-C:12 to read as follows: 169-C:12 *Scope of Discovery and Presentation of Evidence*.

*I. The department or law enforcement agency shall provide the respondent against whom the abuse and neglect petition has been filed with all documents and evidence in their possession that are relevant and reasonably necessary to the response to the petition. The department or law enforcement agency shall provide a list of any documents and evidence obtained by the department or law enforcement agency in its investigation under RSA 169-C:38 that are withheld from the respondent.*

*II. At the respondent's request, the superior court shall expeditiously conduct an in camera review of any documents and evidence withheld under paragraph I. The court shall order the department or law enforcement agency to produce those documents and evidence, or portions thereof, that the court determines to be relevant and reasonably necessary to the respondent's case.*

*III. In any hearing under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.*

2 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill requires the prosecutor to provide the person against whom an abuse neglect petition has been filed with all records that are relevant and reasonably necessary to respond to the petition. The superior court may also conduct an in camera review of any documents that are withheld to determine if they are in fact relevant and reasonably necessary to respond to the petition.

**HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill requires parties in a divorce involving children to participate in mediation filed after July 1, 2003. Mandatory mediation may be waived in certain cases. The committee feels this would help to resolve a lot of problems that occur now when there is a dispute over children. Vote 14-0.

#### **Amendment (2008h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to mediation in superior court cases involving children.

Amend the bill by replacing all after the enacting clause with the following:

1 Mediation of Cases Involving Children. RSA 458:15-a is repealed and reenacted to read as follows:

458:15-a Mediation of Cases Involving Children.

I. The general purpose of this section is to:

(a) Manage conflict and decrease acrimony between parties in a dispute over custodial issues involving minor children.

(b) To promote the best interest of children.

(c) Improve the parties' satisfaction with the outcome of child custody disputes.

(d) Increase the parties' participation in making decisions for themselves and their children.

(e) Increase compliance with court orders.

(f) Reduce the number and frequency of cases returning to court.

(g) Improve court efficiency.

II. In this section:

(a) "Mediation" means a process in which a neutral third party facilitates settlement discussions between parties. Any settlement is entirely voluntary. In the absence of settlement, the parties lose none of their rights to a resolution of their dispute through litigation.

(b) "Mediator" means a marital mediator certified pursuant to RSA 328-C who has contracted with the court to participate in court referred mediation under this section. The mediator has no authority to make a decision or impose a settlement upon the parties. The mediator attempts to focus the attention of the parties upon their needs and interests rather than upon their positions.

III. In all superior court cases filed on or after July 1, 2003, involving disputed legal or physical custody of children, physical custodial rights, or grandparents' visitation rights, including requests for modification of prior orders, the court shall refer the parties to mediation at an appropriate time except as provided in paragraph IV. If the parties are referred to mediation under this section, all issues relevant to their case, including but not limited to property settlement, alimony, and child support, shall also be mediated unless the court orders otherwise.

IV. On the motion of either party or on the court's own motion, the court may waive mandatory mediation for good cause.

(a) Good cause may include the following:

(1) A showing of undue hardship to a party.

(2) An agreement between the parties for alternate dispute resolution procedures.

(3) Allegations of abuse or neglect of the minor child.

(4) Allegations of alcoholism, drug abuse, or domestic abuse as defined in RSA 173-B:1.

(5) Allegations of serious psychological or emotional abuse.

(6) Lack of an available, suitable mediator within a reasonable time period.

(b) In proceedings where there is an order in effect pursuant to RSA 173-B, the victim may elect to waive the requirements of court ordered mediation. Should the victim desire to proceed with mediation, the mediator shall establish procedures deemed necessary to ensure the safety of the victim.

V. Either party may move to have the mediator replaced for good cause.

VI. Mediation proceedings shall be held in private, and all communications, oral or written, made during the proceedings, which relate to the issues being mediated, whether made by the mediator, or a party, or any other person present, shall be privileged and confidential and shall not be disclosed and shall not be admissible in court, except as provided in RSA 328-C:9.

VII. Any agreement reached by the parties on all or some of the issues being mediated, as a result of the mediation, shall be reduced to writing, signed by each party, and filed with the court as soon as practicable. The parties shall participate in at least one mediation session. At the end of this initial session, the parties and the mediator may opt for further mediation sessions. If some or all of the issues being mediated are not resolved, the mediator shall report that fact to the court.

VIII. The parties shall participate at mediation in good faith. If the mediator determines that mediation is not helpful in resolving the dispute, the mediator shall report that fact to the court and return the matter to the court for adjudication of the underlying issues.

IX. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the special fund established pursuant to RSA 458:17-b and repaid by the parties in accordance with RSA 458:17-e.

X. The supreme court shall establish rules and take such action as necessary to effectuate the purpose of this section.

2 Annulment, Divorce and Separation; Special Fund Established; Funds Used for Mediators. Amend RSA 458:17-b to read as follows:

458:17-b Special Fund Established. The supreme court shall establish a separate fund in which to deposit a percentage of the entry fee paid to each clerk of superior court in each libel and petition in marital cases for the compensation of *mediators, appointed pursuant to RSA 458:15-a, and* guardians ad litem, appointed pursuant to RSA 458:17-a, when the parents are indigent. The supreme court shall determine by rule the percentage amount of the entry fee for each libel and petition to be deposited into the fund, but at no time shall the percentage amount exceed 50 percent of the entry fee for each libel and petition. *Payments for services provided shall be paid by the judicial council.*

3 Annulment, Divorce and Separation; Repayment of Mediation Services. Amend RSA 458:17-e, I and II to read as follows:

I. In any case where *a mediator has been appointed pursuant to RSA 458:15-a or a* guardian ad litem has been appointed pursuant to RSA 458:17-a and the responsible party's proportional share of the [~~guardian ad litem~~] expense is ordered to be paid *by the judicial council* from the [~~guardian ad litem~~] *special* fund established pursuant to RSA 458:17-b, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

II. The court's order of appointment of *a mediator or a* guardian ad litem under the provisions of paragraph I shall indicate the initial proportional share or shares of [~~guardian ad litem~~] fees and expenses and shall contain an order that the party or parties communicate with the unit of cost containment so that it may determine the obligor's ability to reimburse the state and establish the terms and conditions of reimbursement. A copy of each order shall be sent to the unit of cost containment, office of the commissioner of administrative services, at the time it is made. Any party subject to an order under this section may petition the court having jurisdiction over the case for relief of the obligation imposed by this section, which shall be granted only upon a finding that the party is unable to comply with the terms of the court's order or any modification of the order by the court or the terms of reimbursement established by the unit of cost containment. In any such appeal the burden of persuasion shall be upon the party to show why the determinations of the unit of cost containment should not be enforced.

4 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill requires, with certain exceptions, mediation of superior court cases involving children. Mediators are certified under RSA 328-C and if the parties are indigent, the mediators are paid from the special fund currently used for guardian ad litem services.

**HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph D. Kenney for Commerce: The bill would have allowed the State Treasurer to invest funds, which the treasurer deems prudent and which have been approved by the governor and council. Secondly, it would have authorized the state treasurer for the cost of processing uncollectible instru-

ments. Thirdly, it would have authorized the sale upon receipt of abandoned property. And lastly, it would have amended the procedure relative to the location, delivery, or recovery of property. The committee felt that all securities presumed abandoned should continue to have a longer period for it to be reclaimed that exists now. Additionally, the amounts of present abandoned securities being addressed were manageable in numbers, and the Treasurer's office is doing an excellent job under the existing law. Under this bill, all funds located by any person, firm, business, or other entity which sought compensation for locating such property would have the ability to use a power of attorney of an owner to reclaim property. The committee felt this procedure was extending too much power to an independent body. Lastly, the committee felt under existing law that there was more legislative oversight and understanding in regards to the treasurer's collection of unclaimed or abandoned property revenue. Vote 17-0.

**HB 313-FN**, limiting access to certain business records. **REFER FOR INTERIM STUDY**

Rep. Ronald J. Belanger for Commerce: Although the committee would very much like to find a way to stop out-of-state sales tax bureaucrats from harassing New Hampshire business, this bill had too many problems. The committee unanimously agreed to refer the bill to Interim Study. Vote 17-0.

**HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Commerce: The main issue of allowing licensed alcohol and drug counselors to obtain third part reimbursement was addressed in HB 672. The study committee section of the bill was unnecessary. The amendment changes the rulemaking authority from Health and Human Services Commissioner to the licensure board, which is where it belongs. Vote 17-0.

**Amendment (1985h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking; "Commissioner" Changed to "Board." Amend RSA 330-C:6, VI to read as follows:

VI. The governor and council may remove any member of the board for neglect of duty, malfeasance, or conviction of a felony, or a crime involving moral turpitude while in office, or for lack of attendance or participation in board meetings. No member may be removed until after a public hearing conducted in accordance with rules adopted by the [commissioner] **board**. Members shall receive at least 30 days' written notice before such a public hearing. No board member shall participate in any matter before the board in which pecuniary interest, personal bias, or other conflicts of interests are established.

2 Rulemaking; "Commissioner" Changed to "Board." Amend the introductory paragraph of RSA 330-C:8, I to read as follows:

1. The [commissioner] **board** shall adopt rules, pursuant to RSA 541-A, relative to:

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill transfers the authority to adopt rules under RSA 330-C from the commissioner of health and human services to the board of licensing for alcohol and other drug abuse professionals. Referred to Executive Departments and Administration.

**HB 514**, relative to uniform prescription drug information cards. **REFER FOR INTERIM STUDY**

Rep. Leo W. Fraser, Jr. for Commerce: Although the committee recognizes that some prescription cards do not contain all of the data required by insurers in processing a claim, the committee continues to be unsure as to how great the problem is for pharmacists. Negotiations are on going between the pharmacists and the insurance companies. The committee does not believe that legislation is necessary at this time, but if the parties fail to negotiate in good faith, this legislation may be reintroduced. The committee voted unanimously to send this bill to Interim Study. Vote 17-0.



**HB 524**, relative to unfair insurance trade practices. **REFER FOR INTERIM STUDY**

Rep. Leo W. Fraser, Jr. for Commerce: The New Hampshire Insurance Department has requested that this legislation be voted referred to Interim Study, as language for model legislation is not as yet forthcoming from the National Association of Insurance Commissioners. When the proposed model legislation is forthcoming the bill will be brought forward. Vote 16-0.

**HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet. **REFER FOR INTERIM STUDY**

Rep. Marshall E. Quandt for Commerce: This bill allows an Internet company to be designated a contact agent for those companies doing Internet sales in New Hampshire. The committee felt this bill should be further studied in relationship to the consumer protection effect in it. Vote 16-0.

**SB 56**, relative to health care providers discontinuing service in New Hampshire. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation would allow the Insurance Commissioner the discretion to waive the five-year rule on re-administering a health insurance company following the companies' previous withdrawal from the New Hampshire market. The most important aspect of the bill is that it addresses health insurers only, an area of insurance where New Hampshire along with most other states, continues to experience difficulties, not only in access but also in the continuing increases in the costs of insurance. Vote 17-0.

**SB 126**, relative to the use of certain credit data in underwriting certain insurance policies. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: In 1997 the General Court granted rule-making authority to the Insurance Department addressing the issue of using credit reports in the processing and issuing of both motor vehicle and homeowners policies. Currently the rule is pending before the Administrative Rules Committee. If it is adopted it would address most of the issues contained in SB 126. The committee agrees that rule-making is a most appropriate vehicle and with concurrence of the Insurance Department voted unanimously Inexpedient to Legislate. Vote 17-0.

**HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community. **REFER FOR INTERIM STUDY**

Rep. Beth Rodd for Criminal Justice and Public Safety: The subcommittee met on multiple occasions to hear testimony from the Department of Corrections and several health care providers regarding rates charged to the DOC for inmate medical care. A complicated and delicate series of negotiations have commenced between the parties to address fair rate issues that consider the broad social and economic results that may ensue from setting rates legislatively. All parties express confidence that negotiations are progressing and a good resolution of these issues is expected. Should negotiations fail to achieve a satisfactory resolution, and a mutually acceptable compromise, the committee will consider further legislative action through the vehicle of a similar bill being brought to the committee later in the session. Vote 14-0.

**HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill was proposed to be funded by a tax on video games, video movies, video game players and video movie players. It seemed logical that videos that portrayed sexual acts and violence inspired acts of sexual assault. Testimony by video storeowners stressed that it would be discriminatory against them if movie theaters, TV stations and computers are not taxed in the same manner. A good point and an overwhelming task. Sexual assault is basically a matter of control of the victim, not just the arousal attained by watching a sexually explicit film. We currently have a victims' assistance fund. The fund is administered through the Attorney General's office. The funds come from penalty assessments levied against fines or penalties imposed by the court for a criminal offense. The assessment amounts to 20%, of which 15% goes to police standards and training and 5% to victims' assistance fund. The victims' assistance fund also receives 5% of the sales price of every item sold in a state prison commissary. Currently, by statute, the fund has a cap of \$750,000. Anything in excess goes in to the general fund. The last fiscal year, revenue to the victims' assistance fund was \$984,534; therefore, in excess of \$234,000 was put into the general fund. Current statute also states, subject to the availability of money in the victims' assistance fund, the attorney general shall make grants total-

ing not more than 25% of the victims' assistance fund for the establishment and maintenance of victims' assistance programs. There is currently no funding for programs for victims of sexual assault from the victims' assistance fund. This bill will make provision to assure programs for sexual assault victims by eliminating the cap of \$750,000 and eliminating the 25% maximum of the fund to be used for victims' assistance programs. The program is being paid for by perpetrators of crime and victims of sexual assault should be supported by the fund. Vote 16-1.

### **Amendment (1919h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to victims' assistance programs and the victims' assistance fund.

Amend the bill by replacing all after the enacting clause with the following:

I Application of Receipts; Victims' Assistance Fund. Amend RSA 6:12, I (aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 and 651:63, V and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance fund which shall be credited to the victims' assistance fund ~~[until that fund exceeds \$750,000, at which time moneys in excess of \$750,000 shall be credited to the general fund].~~

2 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8-i, I to read as follows:

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants ~~[totaling not more than 25 percent of the victims' assistance fund;]~~ for the establishment and maintenance of victim assistance programs.

3 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8, II to read as follows:

II. A victim assistance program is eligible to receive grants under this section if such program:

(a) is within the office of a county attorney; or

(b) is operated by a public agency or a private nonprofit organization or a combination of such agencies or organizations and provides services to victims of crime, and demonstrates:

(1) a record of providing effective services to victims of crime and financial support from sources other than the fund; or

(2) substantial financial support from sources other than the fund; *or*

*(c) is a program approved by the attorney general and provides services to victims of sexual assault.*

4 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill removes the 25 percent cap on grants made from the victims' assistance fund. The bill also provides that no money in the victims' assistance fund shall lapse to the general fund. Referred to Ways and Means.

**HB 565-FN**, relative to liability for providing alcoholic beverages to minors. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill would have made it a felony to furnish a person under the age of 21 with alcohol if that person became intoxicated and caused or suffered death or great bodily harm. The bill went to subcommittee twice and the subcommittee twice came up with amendments. The word 'knowingly' was added, the felony wording was changed to 'Class B felony', but still the full committee was not convinced that the amendments provided the answer to the stated problem. Discussion centered around enforcement of the present law, personal responsibility of the youth, the emotional component, etc. Finally, a majority of the committee determined as the proposed amendments were not acceptable, that this bill should be inexpedient to legislate. Vote 11-6.

**HB 567-FN-L**, granting female inmates access to certain rehabilitation related programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill sought to grant female inmates access to the same rehabilitation programs as inmates at the male prison. The emphasis was on the sex offender treatment program. After several subcommittee meetings, the Department of Corrections agreed this was prudent, and have now initiated a female sex offender treatment at the Goffstown facility. This bill was no longer needed, and the original content was removed so it

could be used as a vehicle to extend the reporting date of a commission created by HB 475, Chapter 245, Laws of 2001, a commission which is developing a statewide protocol for interviewing victims of sexual assault crimes. Vote 13-0.

#### **Amendment (1944h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission for the Development of a Statewide Protocol for Interviewing Victims of Sexual Assault Crimes; Reporting Date Extended. Amend 2001, 245:5 to read as follows:

245:5 Report. The commission shall report its findings, and specific recommendations for legislation to be filed in the 2002 legislative session, to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2001] 2002.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill extends from November 1, 2001 to November 1, 2002 the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

**HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill was an attempt by the sponsors to ensure that all persons accused of a crime receive their full constitutional rights under Article 19. However, the language in this bill was so broad, it could have had serious, unintended consequences for the alleged victims. It was sent to subcommittee to ascertain if somehow the sponsor's intent could be put into language which would also adequately protect the rights of the alleged victim. After hearing testimony from prosecutors, defense attorneys and victim rights advocates, it became obvious to the committee that an acceptable agreement could not be reached for this particular bill. Some members intend to continue the pursuit for possible new, more satisfactory, legislation at another time. Vote 12-0.

**HB 768-FN**, relative to DNA testing of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill accomplishes two major positions. First, it expands the scope of the current law permitting the obtainment of a DNA sample from persons convicted of violations of sexual assault and now includes those convicted of "violent crimes". The amendment defines violent crimes as: capital, first degree, or second degree murder, attempted murder, manslaughter, first degree assault, second degree assault, felony arson, kidnapping, robbery, felony burglary, or negligent homicide in consequence under the influence of intoxicating liquor or controlled drugs as these crimes are defined by statute. It is important to note that the majority of other states already include violent crimes and, in fact, many include all felonies. Secondly, the amendment creates a commission to study issues related to past-conviction DNA testing offenses. A convicted individual's continued assertion of innocence is not new. The use of DNA technology can bring a degree of certainty to the courtroom. The introduction of DNA evidence, after conviction, may definitely prove innocence. Another consideration in this amendment is to expand the "DNA sample" to include tissue, hair follicle, or other biological samples. The current law only allows acquisition of a blood sample. This will minimize the intrusiveness of obtaining any sample. Vote 16-0.

#### **Amendment (1929h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; DNA Testing of Criminal Offenders. Amend RSA by inserting after chapter 651-B the following new chapter:

#### **CHAPTER 651-C**

#### **DNA TESTING OF CRIMINAL OFFENDERS**

651-C:1 Definitions. In this chapter:

I. "CODIS" means the Combined DNA Index System, the FBI's national DNA identification index system.

II. "Department" means the department of safety.

III. "Division" means the division of state police, department of safety.

IV. "DNA" means deoxyribonucleic acid.

V. "DNA record" means the DNA identification information stored in the state DNA database or CODIS for the purposes of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the objective form of the DNA analysis test and may include numerical representation of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and similar characteristics obtained from a DNA sample which are of value in establishing the identity of individuals. A DNA record may not specify the presence, absence, or alteration of any gene or chromosome.

VI. "DNA sample" means a blood, tissue, hair follicle, or other biological sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

VII. "FBI" means the Federal Bureau of Investigation.

VIII.(a) "Sexual offender" means a person who has been convicted of any violation of:

(1) RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4; or

(2) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (1).

(b) "Sexual offender" shall also mean a juvenile who has been found delinquent because of actions which, if the juvenile were an adult, would be crimes under RSA 632-A:2, 632-A:3, or 632-A:4. In the case of a juvenile offender, a DNA sample shall be provided prior to the juvenile's eighteenth birthday, or in the case of a person sentenced under RSA 169-B:4, prior to such person's nineteenth birthday.

IX. "Violent crime" means a capital, first-degree, or second-degree murder, attempted murder, manslaughter, first-degree assault, second degree assault, felony arson, kidnapping, robbery, felony burglary, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.

#### 651-C:2 DNA Analysis Required.

I. Upon intake or prior to the release of any offender after conviction for the commission of any offense defined in RSA 651-C:1, VIII or IX, or commission of a similar offense prohibited by federal law or the laws of another state, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, or prior to the release of any juvenile offender after a finding of delinquency, such person shall have a DNA sample taken for DNA analysis to determine identification characteristics specific to the person.

II. The analysis shall be performed under the direction of the division, following procedures in conformance with the federal "DNA Identification Act of 1994". Identifying characteristics of the resulting DNA profile shall be stored by the division in a DNA database compatible with and maintained by the CODIS system. Information in the database shall be made available only as provided in RSA 651-C:3.

III. The division shall prescribe procedures compatible with the Federal Bureau of Investigation's requirements for the CODIS program, to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and DNA records obtained pursuant to this subdivision.

IV. The division may contract with third parties for the purposes of this subdivision. Any DNA sample sent to third parties for analysis shall be coded to maintain confidentiality concerning the donor of the sample.

V. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts stated in the analysis.

VI. A law enforcement officer may use such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of a sample.

VII. If the initial DNA sample collected from an individual is found to be deficient, a new sample shall be collected.

VIII. Any person required under this chapter to submit a DNA sample, including a juvenile offender who is required to submit a DNA sample prior to the juvenile's eighteenth birthday, who knowingly refuses to submit such sample for a period of 30 days after receiving notice from the division, the department of corrections, probation, parole, or other authorized representative of law enforcement shall be guilty of a class A misdemeanor.

IX. Any entry into the database which is found to be erroneous shall not prohibit law enforcement officials from the legitimate use of the information in the furtherance of a criminal investigation.

X. Any authorized individual collecting a DNA sample shall be immune from civil liability, provided such person acts with reasonable care under the circumstances.

**651-C:3 Dissemination of Information in DNA Database.**

I. It shall be the duty of the division to receive DNA samples and to analyze, classify, and store the DNA records of DNA samples submitted pursuant to this subdivision, and to make such information available to federal, state, and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. Such law enforcement officers shall use such information only for the purposes of criminal investigations and prosecutions, or as necessary to the functions of an office of chief medical examiner. A request may be made by personal contact, mail, or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division. The information contained in the database shall not be a public record for the purposes of RSA 91-A, and shall not be available for inspection by any unauthorized individual.

II. The commissioner of the department of safety shall adopt rules under RSA 541-A to govern the methods of obtaining information from the state DNA database and CODIS and procedures for verification of the identity and authority of the requester.

III. Upon request, a copy of the request for a search shall be furnished to any person identified and charged with an offense as the result of a search of information in the database. Only when a sample or DNA record supplied by the person making the request satisfactorily matches a profile in the database shall the existence of data in the database be confirmed or identifying information from the database be disseminated.

IV. The division may create a separate statistical database comprised of DNA records of persons whose identities are unknown. Nothing in this subdivision shall prohibit the department from sharing or otherwise disseminating the information in the statistical database with law enforcement or criminal justice agencies within or without the state.

**651-C:4 Unauthorized Dissemination or Use of DNA Database Information; Obtaining DNA Samples Without Authority; Penalties.**

I. Any person who, without authority, disseminates information contained in the DNA database shall be guilty of a class B misdemeanor. Any person who disseminates, receives, or otherwise uses or attempts to use information in the database, knowing that such dissemination, receipt or use is for a purpose other than as authorized by the provisions of this subdivision, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the forensic science laboratory for analysis shall be guilty of a class B felony.

II. The division may use DNA samples for forensic validation and forensic protocol development, provided that all personally identifying information shall be removed and shall not be used.

III. The department and its employees shall not be liable for the erroneous collection and entry of a DNA sample into the database where the collection and entry was made in good faith reliance that the individual was convicted of a qualifying offense under RSA 651-C:2, 1.

**651-C:5 Expungement of DNA Database Records Upon Reversal or Dismissal of Conviction.**

I. A person whose DNA record has been included in the database pursuant to this chapter may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA record was based has been reversed and the case dismissed. The department shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

II. The DNA record of any juvenile sexual offender shall be maintained in the database and shall not be automatically expunged from the database upon that individual reaching the age of adulthood.

**651-C:6 Cost.**

I. Except as provided in paragraph II, the cost for a DNA test administered pursuant to this chapter shall be borne by the person subject to the test.

II. Any person who is required to submit to a DNA test under this chapter shall be responsible to pay the cost of drawing, transmitting, and analyzing a DNA sample taken for such purpose. If such person is an inmate at a state or county correctional facility, the cost may be deducted from an inmate's prison account or be paid from any wages earned by an inmate.

651-C:7 Applicability. The provisions of this chapter shall apply to crimes committed on or after the effective date of this chapter and to persons incarcerated in state or county correctional facilities on or after the effective date of this chapter.

2 Commission Established. There is established a commission to study issues related to post-conviction DNA testing of offenders.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) Two members from the department of justice, appointed by the attorney general.

(d) Two members from the department of safety, appointed by the commissioner of the department of safety.

(e) Two members from the department of corrections, appointed by the commissioner of the department of corrections.

(f) One member from the New Hampshire Public Defender's office, appointed by the executive director of the New Hampshire Public Defender's office.

(g) One member from the League of New Hampshire Defense Attorneys, appointed by the executive director of the New Hampshire Bar Association.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties.

I. The commission shall:

(a) Evaluate the types of crimes and sentences for which post-conviction DNA testing will be utilized.

(b) Evaluate the time limits after a conviction during which a DNA test may be requested.

(c) Determine whether DNA analysis will be limited to convictions occurring prior to the use of forensic DNA analysis or whether reanalysis will be allowed in cases where DNA analysis has already been conducted.

(d) Determine how a request for DNA testing is made and the kind of showing a petitioner shall be required to make to be afforded access to testing.

(e) Determine whether DNA analysis shall be limited to cases in which identity was a significant issue in the conviction.

(f) Determine whether a victim or victim's family has a right to notification when post-conviction DNA analysis is approved.

(g) Determine whether the state or the petitioner shall pay for DNA analysis.

(h) Determine whether DNA admissibility issues and chain of custody must be settled prior to analysis.

(i) Determine whether an inmate whose conviction is vacated on the basis of favorable post-conviction DNA testing shall be entitled to compensation.

(j) Study any other issue relating to the DNA database which the committee deems appropriate to its purpose.

II. The commission may consider the advice of other individuals who have relevant expertise in the areas of the commission's study.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

7 Repeal. RSA 632-A:20 through 632-A:24, relative to DNA testing of sexual offenders, is repealed.

8 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill provides for DNA testing of criminal offenders including perpetrators of sexual assault and violent crimes including homicide, manslaughter, assault, felony arson, kidnapping, robbery, and felony burglary for inclusion in the national DNA database. The bill also establishes a commission to study issues related to post-conviction DNA testing.

Referred to Finance.

**SB 30, relative to DNA testing of criminal offenders. REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The committee would like to have this bill for interim study to enable further consideration of the implications of the proposal. DNA issues are becoming very important as technology continues to improve. The opportunity to study these policy considerations as they develop is an invaluable learning experience for all legislators. Vote 12-0.

**HB 329-FN-L, relative to school safety. OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The original bill called for public school buildings to have annual fire inspections and to meet clean air standards. The committee has serious concerns regarding the underlying issues of existing fire safety risks and poor air quality in public school buildings. However, the committee feels these issues are complex and the options for legislative action are far broader than the original proposal, making a study committee appropriate. The bill no longer has a fiscal note. Vote 15-0.

**Amendment (2045h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study indoor air quality and fire safety in public schools.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study indoor air quality and fire safety in public schools.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, two of whom shall be from the education committee and two of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Two members of the senate, one of whom shall be from the education committee and one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

(c) The director of the division of public health services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The state fire marshal, or designee.

(f) A representative of the New Hampshire School Boards Association, appointed by the president of the New Hampshire School Boards Association.

(g) Two members of the public, appointed by the governor with the consent of the executive council.

II. Committee members shall serve without compensation except that legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The duties of the committee shall be to:

I. Determine the scope of the problems of poor indoor air quality and fire risks and hazards in public school buildings.

II. Examine the issues of poor indoor air quality and fire risks and hazards and report any conclusions relevant but not limited to:

(a) Previous studies and reports.

(b) The current role of the state and comparison of existing state requirements for public schools with those for state buildings and places of public assembly.

(c) Resources available to address the problems.

(d) Similar policies in other states.

(e) Options for expanding the state's role including enforcement, documentation, establishment of standards or guidelines, incentives for compliance, and regulatory authority.

III. Make recommendations, which may include legislation, on policy strategies for prevention and solutions to correct such problems.

4 Chairperson; Meetings. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study indoor air quality and fire safety in public schools.

#### **HB 137, establishing a committee to study the definition of domicile for voting purposes. ' OUGHT TO PASS**

Rep. John P. Kacavas for Election Law: Given the vagueness of the definition of the term "domicile" contained in RSA 654:1, and the controversy such vagueness has engendered, a study committee should be formed to revise, clarify and tighten the definition of the term "domicile" for voting purposes. The study committee shall report its findings and any recommendations on or before November 2, 2001. Vote 18-0.

#### **HB 266, establishing a committee to study recodification of the election laws. OUGHT TO PASS**

Rep. Jackie K. Weatherspoon for Election Law: The intent of the bill is to establish a study committee to determine if the election laws need to be recodified. The study group will not recodify the laws at this time but would determine which laws need clarification and whether a further committee needs to be established to recodify the laws. This would be a major undertaking. Vote 18-0.

#### **HB 384, relative to political expenditures. INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: It was the unanimous opinion of the committee that as well intentioned as this bill is, it is quite unenforceable. As a matter of campaign finance reform, it places a burden on candidates to keep track of expenditures made by political parties, whether or not they are authorized or not by the candidate. It was for these reasons that the committee voted Inexpedient to Legislate. Vote 18-0.

#### **HB 544-FN, relative to reporting by candidates of independent expenditures. INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: While the committee applauds the efforts of the sponsor, the unanimous opinion of the committee is that this bill be found Inexpedient to legislate. The bill calls for the "good faith effort" by a candidate to report expenditures made on his/her behalf. The committee felt that this was an unreasonable approach and not enforceable. The committee recommends Inexpedient to Legislate. Vote 18-0.

#### **HB 282-FN-L, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees. INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow part time employees the option of becoming a member of the New Hampshire Retirement System. The committee found too many unanswered questions and potential problems with the bill. Questions of what constituted part time, what happened if the employee worked full time the last three years of employment prior to retirement, would they get full retirement benefits over and above the annuity earned? After 17 years of part time and 3 years of full time would the retiree be entitled to medical benefits at age 60? What application would be made for group II participants? How would disability claims be handled for living wages? Would this be fair to full time employees who would have to bear the brunt of this expense out of the trust fund? It was felt that in order to accommodate this bill in a fair and equitable manner to all participants, the retirement system would have to be completely revamped with unknown and incalculable ramifications. Vote 13-0.

#### **HB 314-FN, relative to administrative rules governing privacy. INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: This bill requires state agencies to adopt administrative rules governing privacy. Two laws enacted at the end of the 2001 ses-



sion relate to state and federal privacy issues. HB 702, Chapter 256:7, Laws of 2001, establishes a taskforce on privacy issues as they pertain to federal law and a review of existing state laws relative to privacy issues. HB 142, Chapter 31:2, Laws of 2001, establishes a committee charged with studying methods of ensuring the privacy of confidential personal information in state agencies. Interim reports from both groups indicate they have encountered several of the same problems of information gathering this committee has done concerning present agency privacy policies and commitments. Given the specific aims of both chapter studies, we believe the information they provide and the policies they recommend will engender more informed legislation than the present bill, which we, therefore, find inexpedient to legislate. Vote 13-0.

**HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system. **REFER FOR INTERIM STUDY**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would change the New Hampshire Hospital security personnel from group I to group II, the hazardous duty group. An amendment was presented to change the title to New Hampshire State Hospital Police Force. The committee felt that this did not clarify who should be in group I or group II. With at least two more bills coming to the committee during the next session, the committee felt that this bill should be reserved for interim study along with similar future bills. This will allow the committee to establish guidelines as to who shall be in which group. Vote 12-0.

**HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will require commissions, boards and advisory committees to develop an orientation manual for the members and future appointees. This manual should contain a copy of RSA 91-A, Right to Know Law, a copy of the New Hampshire Constitution, a copy of the statute establishing the "Board" and any other material that will allow the new members to know what their duties are and how they should conduct their meetings and adjudicative hearings if they are required to hold such hearings. Vote 13-0.

**HB 483**, repealing the Uniform Aircraft Financial Responsibility Act. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee held a public hearing on this bill which would repeal the rulemaking authority of the Commissioner of Transportation relative to aircraft financial responsibility and content of aircraft accident reports. The committee voted inexpedient to legislate because the House Transportation Committee had a more comprehensive bill and would take up these two items. Vote 12-2.

**SB 22**, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill started in the Senate as a licensure bill for radiologic technologists. It was amended to require hospitals to use certified radiologic technologists to operate radiology equipment. The sub-committee determined that hospitals and major clinics do utilize registered radiologic technologists to perform these duties. The subcommittee work sessions revealed that no health care licensing board has ever had a complaint of harm resulting from having an x-ray taken. Vote 13-0.

**SB 39**, establishing the position of market conduct chief administrator in the insurance department. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill was a request of the Insurance Department and would have established a position of market conduct chief administrator within the department. During the committee deliberations, we were informed by the requesting department that the importance of this bill had been eclipsed by other actions and this bill was no longer necessary. Vote 13-0.

**SB 77**, relative to the regulation of plumbers and plumbing. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: After hearing this bill, the committee recognized there was another bill (HB 285) which deals with not only plumbing codes but all building codes across the state. It was felt that the resulting conclusion of HB 285 would resolve all the issues of this bill. Vote 13-0.

**SB 81-FN-A, regulating medication nursing assistants under the nurse practice act. INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: This bill authorizes the Board of Nursing to register and regulate medication-nursing assistants for the purpose of administering medication under the delegation of a licensed nurse. This bill also establishes a dedicated medication nursing assistant fund that is non-lapsing through fiscal year 2005, but lapses to the general fund beginning fiscal year 2006 and every year thereafter. This bill is an adjunct to HB 408, which deals with the delegation of medication by a licensed nurse. At present, the Board of Nursing is working on the administrative rules in regards to medication administration and will present them to Joint Legislative Committee on Administrative Rules. Therefore, our committee feels work should continue on HB 408 and that SB 81 is premature for consideration at this time and will probably be made redundant by rules now being developed. Vote 14-0.

**CACR 17, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The Constitutional Amendment Concurrent Resolutions 20, 22 and 23 basically attempt to do the same thing: dedicating a specific tax to be used only for education. If, in the future, we pass an income tax or a sales tax or defeat a statewide property tax, this CACR would be null and void. The committee feels this CACR is not necessary. Vote 18-1.

**CACR 20, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education. INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The majority of the fifty states rely on an income tax and/or sales tax as the largest source of state revenue. New Hampshire is unique in not instituting either of these broad-based taxes. This proposal could lead to one of these broad-based taxes being adopted. It attempts to make such a tax more palatable to some by dedicating it to education. Not only would the income tax have adverse effects on New Hampshire's economy, as has been discussed in previous debate, but it would also tie the hands of future legislatures should some new demand arise. Anti-terrorism security, relief from natural disasters, and health care crises are some of the possibilities that could trigger new spending. Dedicating a major funding source would leave us less able to cope with future contingencies. This tax could be imposed, if needed, without a change to the constitution. Also, dedicating funds reduces the general fund, which affects our bond rating and borrowing limits for capital improvements. Vote 19-0.

**CACR 22, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose. INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee appreciates the good intentions of the sponsors to attempt to limit the potential state property tax burden on the citizens of New Hampshire. However, as is the case with CACRs 17, 20 and 23, the committee concludes that these matters are best addressed by statute, rather than constitutional changes, thus permitting future general courts to most accurately and appropriately weigh changed economic conditions as well as evolving public policy. Vote 18-1.

**CACR 23, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose. INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The majority of the fifty states rely on an income tax and/or sales tax as the largest source of state revenue. New Hampshire is almost unique in not instituting

either of these broad-based taxes. This proposal could lead to one of these broad-based taxes being adopted. It attempts to make such a tax more palatable to some by dedicating it to education. Not only would the sales tax have adverse effects on New Hampshire's economy, as has been discussed in previous debate, but it would also tie the hands of future legislatures should some new demand arise. Anti-terrorism security, relief from natural disasters, and health care crises are some of the possibilities that could trigger new spending. Dedicating a major funding source would leave us less able to cope with future contingencies. This tax could be imposed, if needed, without a change to the constitution. Also, dedicating funds reduces the general fund, which affects our bond rating and borrowing limits for capital improvements. Vote 18-0.

**HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment removes the appropriation because the state has received a \$620,000 grant for this purpose. The policy relative to diversified agricultural development remains in place. Vote 20-0.

#### Amendment (1921h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to diversified agricultural development.

Amend the bill by replacing all after section 3 with the following:

4 Coordination; Reports.

I. In the implementation of this act, the division of agricultural development shall collaborate with the department of resources and economic development to ensure that economic development activities are consistent with the needs of New Hampshire producers of diverse agricultural commodities. The division shall also collaborate with relevant private and public organizations.

II. The division of agricultural development shall report annually by January 15 to the speaker of the house and the senate president on the implementation of this act, including the extent to which performance benchmarks contained in the comprehensive plan were achieved during the previous fiscal year, and a description of and justification for the allocation of state, federal, or other funds during the previous fiscal year. Such information contained in the report submitted in January 2003 shall cover the last half of fiscal year 2002.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill declares it state policy to encourage agricultural development and diversification. This bill directs the division of agricultural development to develop a 5-year plan, which is to be updated annually, for greater efficiency, productivity, and profitability among the various commodity groups making up the New Hampshire agricultural sector. The bill also directs the division of agricultural development to continue its support of producers through training and technical assistance, marketing and commodity distribution, and public education.

**HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Paul J. Dwyer for Finance: This bill would have appropriated 2.6 million dollars to be divided among the 19 regional vocational technical high schools. The resulting distribution would not likely have funded any major upgrading at one school. The main reason for the committee's opposition is the funding method that has been employed after the submission of this bill. New Hampshire began constructing regional vocational technical schools in the early 1970's, and has been adding to them almost annually since. Now the earliest ones need modernization and upgrading. For some years, there was debate over whether the upgrades were the responsibility of the receiving district or the state. The decision was finally made that the state should begin major improvements in the order in which the facilities were built. This concept was supported by the Department of Education and the voc-tech administrators. The first two schools were included in the present capital improvement budget at 4.5 million dollars each. It is anticipated that subsequent capital budgets will contain similar amounts and that all regional voc-techs can plan on capital funds in order of their construction. The capital budget process is rigorous and fair. We should not try to bypass this established mechanism. Vote 19-0.

**HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Emerton for Finance: The committee feels that the Area Health Education Centers in New Hampshire are doing needed and very good work. However, as the Area Health Education Centers have funding through 2002, albeit limited, the state can and should look at this function again in the next biennium. Vote 19-0.

**SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. McKim W. Mitchell for Finance: This bill appropriates \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 from the general fund to the Department of Agriculture, Markets and Food. The Commissioner of the Department of Agriculture shall carry out the distribution of this appropriation. The amount and breakout of the distribution proposed is: each fair receives \$10,000 for capital improvement, \$8,000 for marketing and promotional activities and a pro rata share based upon premiums paid and qualified under RSA 425:19-b. Division I of the House Finance Committee has heard compelling testimony from agents of individual fairs, President of the New Hampshire Fair Association and the New Hampshire Department of Agriculture. However, Division I had unanswered questions regarding state fairs including: 1) the need to define "state" fair because fairs are not presently state operated or managed; 2) the actual financial history of revenues and expenses in order to better understand the financial situation. Interim study will allow time for the committee to resolve these questions. Vote 20-0.

**SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The tuition incentive grants that this bill proposed were included in additions to the budget. Moneys were added to the post secondary education commission line. Thus the intent of the bill has already been accomplished. Vote 20-0.

**SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee feels that this bill which calls for the addition of another position and an additional vehicle to collect unpaid fines is unnecessary. The Department of Safety should be able to fund this request with its present budget and manpower. Vote 20-0.

**SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. MaryAnn Blanchard for Finance: This bill is unnecessary because its provisions have already been adopted in the passage of HB 279 by the Committee of Conference. HB 279 became Chapter 275 of the 2001 session and signed by the governor on July 16, 2001. Vote 20-0.

**SB 110-FN-A**, extending the kindergarten construction program. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The concept of extending the kindergarten construction program has been thoroughly explored by the committee under a house bill. That process has been exhaustive and resulted in an extension. The committee felt that no further action needed to be done on this subject at this time. Vote 20-0.

**SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters. **OUGHT TO PASS**

Rep. MaryAnn Blanchard for Finance: This bill promises a supplemental 5% cost of living allowance to firefighters who retired on or before July 1, 1994, (591 persons) and \$4.1 million will be expended from the Firefighters Special Account to cover the cost and still maintain a healthy balance in the special account. Vote 17-1.

**SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation. **INEXPEDIENT TO LEGISLATE**

Rep. McKim W. Mitchell for Finance: This bill is not necessary because the issues raised in this bill have already been addressed in HB 279, which is now in Chapter 275 of the 2001 session. Vote 20-0.

**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: The bill, as amended by the Finance Committee to remove the appropriation and the contingency clause, will accomplish the goals of the sponsors and the policy committee to facilitate the expansion of the Skyhaven airport located in Rochester. Sufficient funding was included in the biennial budget. Vote 16-0.

**Amendment (2046h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to Skyhaven airport.

Amend the bill by replacing all after the enacting clause with the following:

1 Skyhaven Airport; Wetland Mitigation Project Prioritized. The department of transportation, division of aeronautics, shall prioritize funding of the Skyhaven airport wetland mitigation, restoration, and replication implementation project, as detailed in the New Hampshire Department of Transportation Skyhaven Airport Master Plan Update of 2001, in order to meet the deadline of the Skyhaven airport transfer plan. In funding the wetland mitigation project, the department of transportation shall prioritize eligible grants from the Air Improvement Program and funds available under other federal and state programs for Skyhaven airport.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the department of transportation to prioritize funding the wetland mitigation project for Skyhaven airport.

**SB 135-FN-L**, relative to kindergarten funding. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: Since kindergarten was funded in the budget, this bill is unnecessary. Vote 19-0.

**SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill is unnecessary because its provisions have already been amended and adopted in the passage of committee of conference on HB 758 which became Chapter 293 of 2001 session. Vote 20-0.

**HB 235**, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill would have studied ways to allow the criminal justice and mental health entities (police, probation, public defenders etc.) to more economically and humanely deal with the mentally ill who commit a misdemeanor. The bill was voted Inexpedient to Legislate since SB 100 will accomplish the desired goals. Vote 12-0.

**CACR 2**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This amendment would transfer the power to confirm judicial officers from the Executive Council to the Senate. This method would be similar to that utilized for the judicial officers of the United States. Although some committee members found the proposal meritorious, there was inadequate legislative and popular support at this time. Vote 17-0.

**CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This amendment would create 7-year renewable terms for all judicial officers. The subcommittee proposed a modified version of this proposal by amending CACR 16, which was passed by the Senate with the requisite number of votes. Vote 16-1.

**CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This subject matter was addressed in CACR 5, which was passed by the House on a vote of 290-48 and is now under consideration in the Senate. Vote 13-0.

**HB 281-FN**, establishing an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE**

Rep. Janet G. Wall for Judiciary: This bill would establish an independent Administrative Office of the Courts which would be independent of the Supreme Court. The committee found that the current Administrative Office of the Courts does not adjudicate any cases, nor does it establish policies. The Administrative Office of the Courts has many responsibilities including but not limited to assembling the budget, as well as handling daily work and fiscal matters, administering personnel, coordinating court technology for video conferencing and digital audio reporting, and facilitating judicial education. This bill is not good public policy because a service organization should report to the entity it serves. The functions of the Administrative Office of the Courts are analogous to the support staff of the Legislature. Vote 17-1.

**HB 409**, relative to qualification for admission to the New Hampshire bar. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: This bill is found to be inexpedient to legislate by the House Judiciary Committee because the implementation of the concept is not fully developed. The committee found that the program has merit and recognizes that other states such as Vermont have similar programs. However, at this time, we are unable to recommend the legislation and encourage the sponsor to continue to research the subject and bring legislation back at a future date. Vote 16-1.

**HB 566**, establishing terms for the offices of administrative judges of the courts. **REFER FOR INTERIM STUDY**

Rep. Tony F. Soltani for Judiciary: This bill would establish a 7-year term for the administrative heads of the Supreme, Superior, Probate and District Courts. The subject needs further study since other statutes may be implicated and need alteration. The committee will study these implications and the necessity for creation of the terms. Vote 16-1.

**HB 582**, establishing a judicial nominating commission. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill would establish a commission which would nominate judicial candidates to be appointed by the Governor and Council. The committee was of the opinion that such a proposal would erode the constitutional authority of the Executive Branch, and may only be enacted through a constitutional amendment. Presently, the Governor has, by executive order, implemented such a commission. Vote 16-1.

**HB 608-FN**, establishing a judicial ethics advisory committee. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill establishes a judicial ethics advisory committee. This bill was filed as a result of testimony given at the House impeachment hearings. Testimony was given that it would be beneficial to judges to have a judicial ethics committee. The Supreme Court has recently established such a committee. In addition, the Supreme Court has adopted a new Code of Judicial Conduct, which is the 1990 model. This model is more explicit in the definition of judicial conduct. Vote 16-0.

**SB 155-L**, limiting the liability of teachers and other educational employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: The original bill provided for immunity from suit for teachers and others acting within the scope of his or her employment or responsibilities in attempting to enforce control and discipline in schools. The committee felt that the bill did not rectify the problem. Instead, the committee amended the bill to make a strong statutory policy statement in support of school discipline and by providing for sanctions for frivolous actions brought against teachers to include payment of costs, fees and an award of \$1000.00 to each prevailing party. Vote 17-1.

#### **Amendment (1957h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing penalties for frivolous actions against teachers and other education employees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Teacher Protection From Frivolous Tort Actions. Amend RSA by inserting after chapter 507-F the following new chapter:

#### CHAPTER 507-G

#### FRIVOLOUS ACTIONS AGAINST TEACHERS AND OTHER EDUCATION EMPLOYEES

507-G:1 Title. This chapter may be cited as the Penalties for Frivolous Actions Against Teachers and Other Education Employees Act.

507-G:2 Purpose. The general court finds that good order and discipline are necessary to provide New Hampshire students with a proper learning environment and that "employees," as defined in RSA 507-G:3, should not be inhibited in their attempts to enforce good order and discipline by the threat of civil actions against them.

507-G:3 Definitions. As used in this chapter, "employee" means any individual elected or appointed to an educational entity, any individual who is an employee of such an entity, and any employee of a company under contract to a school or school district who is directly engaged in student-related services.

507-G:4 Penalties for Frivolous Actions Against Employees.

I. If, during any phase of a tort action brought against an employee which results from an action taken while the employee is directly engaged in student-related services, it appears to the court by a preponderance of evidence that the action is frivolous, or intended to harass or intimidate the named employee or any other employee involved in the student-related services at issue, or both; then the court, upon motion of a party or upon its own motion, may order summary judgment or other relief against the party who brought such action, and it shall award costs and reasonable attorney's fees to the prevailing party or parties, costs shall include, but not be limited to, all reasonable pre-trial investigation and tribunal time and expenses. The court shall report such conduct to the professional conduct committee.

II. In addition to the above, the court shall order the party bringing the action against an employee to pay the sum of \$1,000 to each of the prevailing parties.

2 New Section; Liability for Reporting. Amend RSA 193-F by inserting after section 4 the following new section:

193-F:5 Any public or private school employee or employee of a company under contract to a school or school district who in good faith has made a report under RSA 193-D or RSA 193-F shall not be subject to liability for making the report.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows the court to award attorney's fees and costs to the prevailing parties when it finds that a frivolous action has been brought against a teacher or employee of a school district or one of its contract service providers. It also requires the court to order a payment of \$1,000 to each of the prevailing parties in a frivolous action.

The bill protects public and private school employees and contractors from liability for reporting acts of theft, destruction, or violence under RSA 193-D or bullying under RSA 193-F.

**HB 744-FN-A**, establishing a family and disability leave program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: The amendment establishes a study committee on the feasibility of a state pilot program for family and disability leave. The committee feels placing the bill into study would serve to narrow the focus of the bill and address the issues of participation and funding. Vote 12-1.

#### Amendment (1969h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the feasibility of a state pilot program for family and disability leave.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study 3 recommendations considered as possibilities for a paid family and disability leave pilot program. Research shows that such a program can serve to ensure consumer purchasing power, strengthen family life by relieving

serious threats to the health and welfare of people caused by insecurity and loss of earnings, reduce the need for public assistance requests, promote greater loyalty to employers and generally enhance the state's economic climate as well as the physical and mental health, welfare, and security of New Hampshire citizens.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one from the labor, industrial and rehabilitative service committee, one from the commerce committee, and one from the children and family law committee, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Research and recommend funding sources for a paid parental leave pilot program for New Hampshire workers, who meet specific criteria to be eligible for paid leave for up to 12 weeks, to care for newborn or adopted children or a sick family member.

II. Survey insurance programs and recommend potential bidders to implement a state temporary disability insurance pilot program to enable New Hampshire workers who meet specific criteria and who volunteer to participate, to be eligible for paid disability leave for up to 12 weeks to care for a personal medical condition.

III. Examine the benefits of tax credits as incentives to employers who have established or who are willing to establish a benefit of paid family leave or temporary disability insurance for up to 12 weeks for employees who meet eligibility requirements and need to care for a newborn or adopted child, a sick family member, or a personal medical condition.

IV. Seek input from, but shall not be limited to:

(a) State agencies, including the departments of labor, employment security, health and human services, and insurance.

(b) Labor, including the State Employees Association.

(c) Employers, including those have more than 50 employees and those having fewer than 50 employees.

(d) Other interested agencies, including the Workforce Opportunity Council, Inc. and family assistance agencies.

(e) New Hampshire workers.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This amendment establishes a study committee to study the feasibility of a state pilot program for family and temporary disability leave and to research funding sources, insurance programs, and tax credits to implement such a program.

**SB 120**, relative to tip pooling for certain hourly employees. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The industry and the Department of Labor have worked together over the past year to eliminate the problem. The committee felt if no problem existed, then Inexpedient to Legislate was appropriate. Vote 14-0.

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill, as amended, establishes a new dedicated fund for the purpose of job training for economic growth using a portion of the employer's contribution to the unemployment compensation trust fund. The amended bill also changes the membership of the grant review committee of the job training programs for



economic growth, adds new eligibility requirements for training grants, raises the amount available for administering the program and changes the grant performance reporting procedure. Vote 10-3.

#### **Amendment (1943h)**

Amend the bill by replacing all after section 6 with the following:

7 Repeal. The following are repealed:

I. RSA 282-A:87, IV (e), relative to advisory council role if employment security programs devolve to the state.

II. 1996, 49:6, II, relative to designating a portion of employer contributions for unemployment compensation to the contingent fund.

III. 1996, 49:7, III, relative to effective date of paragraph II of section 6.

IV. RSA 188-F:52, III, relative to the terms and compensation of grant review committee members.

V. RSA 188-F:52, V, relative to the \$25,000 cap on grant amounts awarded by the grant review committee.

8 New Subparagraph; Training Fund. Amend RSA 6:12, I by inserting after subparagraph (iiii) the following new subparagraph:

(jjjj) Moneys deposited in the training fund established by RSA 282-A:138-a.

9 Regional Community-Technical College System; Eligibility for Training Grants. Amend RSA 188-F:53, V to read as follows:

V. Priority shall be given for grants to small businesses [~~in the manufacturing sector~~] for the implementation of technological innovations.

10 Effective Date. This act shall take effect July 1, 2001.

Referred to Ways and Means.

**HB 342-FN**, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The Commissioner of Revenue Administration has a duty to exercise supervision over assessing officials. The intent of HB 342 was to add "contracted appraisers" to the supervised list. The committee retained this bill with the intention that it may serve as a vehicle for new proposed legislation, if needed. Since an Assessing Standards Board was created in SB 193, Chapter 297 of the Laws of 2001 and since one of the duties the board is charged with is to establish certification, continuing education requirements and revocation and suspension standards for assessing officials (which does include contracted appraisers) the committee felt that this issue is being currently addressed. The bill is recommended for Inexpedient to Legislate. Vote 13-0.

**HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill is to require the Commissioner of the Revenue Administration to establish a uniform system of property classification for assessment purposes in New Hampshire. The time line for the implementation of the uniform system was to be during the first full revaluation of property 60 days after the effective date. The committee realized that this issue was ongoing and retained the bill to use as a vehicle for new proposed legislation, if needed. Due to the Sirrell case, the legislature created the Assessing Standards Board to address uniformity in the assessing process in New Hampshire. SB 193, Chapter 297 of the Laws of 2001 requires that board to set standards that are to be followed by assessors, selectmen and boards of assessors. The time line that has been set up by the legislature requires that all communities, starting with the tax year 2003, bring the assessments up to full market value every five years. Since this process is in place the committee deemed that HB 365 was not needed and voted to recommend Inexpedient to Legislate. Vote 13-0.

**HB 392**, establishing a committee to study the property tax status for land of agricultural fairs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill adds charitable Agricultural Fair to RSA 72:23, VI which designates which organizations are eligible for real estate and property tax exemptions, in recognition of the historical role and values promoted by Agricultural Fairs in the communities of this state. It is the intent of the general court to encourage cooperation between charitable Agricultural Fairs and the communities that host such activities. Vote 11-0.

**Amendment (1999h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a property tax exemption for property of agricultural fairs.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. In recognition of the historical role and values promoted by agricultural fairs in the communities of this state, it is the intent of the general court to encourage cooperation between charitable agricultural fairs and the communities that host such activities.

2 Real Estate and Personal Property Tax Exemption; Annual Filing; Reference to Charitable Agricultural Fairs Added. Amend RSA 72:23, VI to read as follows:

VI. Every charitable organization or society, *or charitable agricultural fair*, except those religious and educational organizations and societies whose real estate is exempt under the provisions of paragraphs III and IV, shall annually before June 1 file with the municipality in which the property is located upon a form prescribed and provided by the board of tax and land appeals a statement of its financial condition for the preceding fiscal year and such other information as may be necessary to establish its status and eligibility for tax exemption.

3 Effective Date. This act shall take effect April 1, 2002.

**AMENDED ANALYSIS**

This bill adds a reference to charitable agricultural fairs to properties which may be granted property tax exemptions.

**HB 432**, relative to the limit on appropriations to the capital reserve fund of a county. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: There are two ways to fund capital projects available to the counties. They can choose to borrow money for a specific amount of time at a specific interest through the bonding process or they can choose to set money aside annually to accumulate enough to fund the capital cost through the capital reserve process. The county delegations choose what method best fits their needs. HB 432 requested that the counties be allowed to "raise and appropriate" a percentage of the last base valuation for debt limit computed pursuant to RSA 33:4-b for all municipalities included in that county. The change would be from 1/100 of one percent to 1/10 of one percent of the last base valuation for the debt limit so calculated. Only one county out of the last ten counties had asked for this change. After looking at the differing amounts of tax dollars that could be accumulated and seeing that there was no requirement for a specific purpose, unlike at the town level, the committee felt that the 1/100 of one percent was adequate for the counties and voted the bill Inexpedient to Legislate. Vote 14-0.

**HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill was retained to study the increased need to resolve the lack of in state septage processing capacity in Rockingham and Strafford counties. During the work sessions with the subcommittee which included members of Environment and Agriculture Committee and the Septage Task Force a number of ideas were discussed. Because of the common subject matter HB 311, passed by the House and relative to sewage disposal systems became a topic of discussion. An error was discovered when the Fiscal Committee went to approve the septage coordinator funding. The amendment to HB 439 corrects that error by covering the cost of salary, benefits, current expenses and equipment for this position. The subcommittee voted unanimously to approve the amendment with the intention of continuing to look for long range septic solutions for Rockingham and Strafford counties. Vote 13-0.

**Amendment (1932h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a position of septage coordinator and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Environmentalist IV; Septage Coordinator. There is created within the department of environmental services the classified full-time position of septage coordinator, who shall be under the direction of the commissioner of environmental services pursuant to RSA 485-A:30, I-a. The position shall be at labor grade 27. The septage coordinator shall be responsible for the duties provided for in RSA 485-A:30, I-a.

2 Appropriation. The sum of \$28,992 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2002, and the sum of \$54,782 for the fiscal year ending June 30, 2003, for salary, benefits, current expenses, and equipment for the position of septage coordinator established in section 1 of this bill. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes the position of septic coordinator in the department of environmental services, and provides an initial appropriation for salary and benefits, to accomplish the provisions of RSA 485-A:30, I-a.

Referred to Finance.

### **HB 506, prohibiting the granting of certain variances from zoning ordinances. INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill would have greatly reduced municipal zoning flexibility and created a regulatory "taking of property". The Committee felt that the bill would also have precipitated numerous property rights lawsuits directed at the State or individual municipalities. The Committee retained the bill to deal with the *Simplex v Town of Newington* Supreme Court decision in regards to the definition of "unnecessary hardship" as it relates to the granting of a variance from the requirements of the local zoning ordinance. An amendment was generated but the information was so different than the original bill the Committee knew it would need a second public hearing. Instead of trying to schedule a hearing, the Committee will discuss the issue as an amendment to the supplemental bill HB 1141 or HB 1344. Vote 15-0.

### **HB 549-FN-L, relative to procedures of the department of revenue administration concerning the reassessment of property. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The original intent of HB 549 was to allow the Department of Revenue Administration to petition the Board of Tax and Land Appeals for a reassessment of property when the values of a particular city, town or unincorporated place were disproportional to any other property within that particular city, town or unincorporated place. During the public hearing an amendment was proposed to require inventory blanks for commercial and industrial property. The Municipal and County Government Committee retained this bill to address the issue of required inventory blanks and also to have a vehicle for related legislation, if needed. During our work sessions a resolution to the requirement of inventory forms was not found and yet the committee realizes that this issue needs to be addressed. Under HB 170, Chapter 158 of the Laws of 2001, the Department of Revenue Administration is required to certify that the assessments of a municipality comply with the provisions of New Hampshire law. There are five specific areas in assessment procedures that will be reviewed during the certification process. The most pertinent area is that assessments "are based on reasonably accurate data". The Assessing Standards Board will need to resolve this issue in the process of determining "reasonably accurate data". Since the issue of inventory forms will be addressed by the board, the committee voted that HB 549 be reported Inexpedient to Legislate. Vote 14-0.

### **HB 607-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Small towns which host cooperative schools appear to be overwhelmed with the increasing numbers and cost of providing police assistance and coverage. Requests for reimbursement by the cooperative school districts have been denied. The Committee has requested the New Hampshire Association of School Boards to investigate the feasibility of resolving the situation to ease the burden on the small town. The intent of HB 607 was to require reimbursement of the costs incurred by the cooperative school districts to the host community. Since this was considered to be an unfunded mandate, the committee voted HB 607 Inexpedient to Legislate. Vote 14-1.

### **HB 617, relative to zoning for hobby vehicles. OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: This bill creates an exception to the junkyard statutes (RSA 236:111-129) for noncommercial motor vehicle restoration activities. In

order to be eligible for this exception there are five conditions that need to be met: all antique motor vehicles need to be owned by the property owner or lessee; the antiques motor vehicles/parts need to be kept out of public view; all repairs and modifications need to be performed out of public view; not more than one unregistered/uninspected motor vehicle that is not over 25 years old shall be kept on the premises; and the use of the premises is in compliance with all municipal land use ordinances and regulations. This bill was introduced because currently strict interpretation of state law classifies any antique motor vehicle hobbyist activities and collections as junkyards. The committee voted unanimously to allow the restoration of antique motor vehicles without fear of their work being confiscated into the metal pile. Vote 11-0.

#### **Amendment (2000h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to additional exceptions to junk yard regulation.

Amend the bill by replacing all after the enacting clause with the following:

1 Exceptions to Junk Yard Regulation. Amend RSA 236:111-a to read as follows:

236:111-a [~~Exception~~] *Exceptions.*

*I. The provisions of this subdivision shall not apply to any facility, including a public facility, private facility, or solid waste facility which has been approved under RSA 149-M, including any such facility approved prior to May 1, 1989.*

*II. The provisions of this subdivision shall not apply to any noncommercial antique motor vehicle restoration activities involving antique motor vehicles over 25 years old, where the owner or lessee demonstrates that each of the following requirements are met:*

*(a) All antique motor vehicles kept on the premises are owned by the property owner or lessee; and*

*(b) All antique motor vehicles and parts of antique motor vehicles are kept out of view of the public and abutters by means of storage inside a permanent structure, or by suitable fencing which complies with the fencing requirements of RSA 236:123, or by trees or shrubbery sufficient to block visual access year round; and*

*(c) All mechanical repairs and modifications are performed out of view of the public and abutters; and*

*(d) Not more than one unregistered and uninspected motor vehicle that is not over 25 years old shall be kept on the premises; and*

*(e) The use of the premises is in compliance with all municipal land use ordinances and regulations.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill provides additional exceptions from junk yard regulation for non-commercial antique motor vehicle restoration.

#### **HB 627-FN, establishing a market-based water pollutant trading program. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require publicly owned wastewater treatment works (POTW's) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTW's already have the discretion to develop pollutant-trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bill, but the committee, along with subcommittee members for the Environmental and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time. Vote 14-0.

#### **HB 650-FN, relative to master plans. OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: This bill while not mandating any new requirements on local governments provides valuable assistance and suggestions to local

planners in their efforts to create and revise local master plans. The committee also recognized the bill's intent to synchronize the sections and order of local master plans with regional and state plans. The committee vote was unanimous. Vote 14-0.

### **Amendment (1972h)**

Amend the bill by replacing all after section I with the following:

2 Local Land Use; Master Plans; Purpose and Description. RSA 674:2 is repealed and reenacted to read as follows:

674:2 Master Plan; Purpose and Description.

I. The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection.

II. The master plan shall be a set of statements and land use and development principles for the municipality with such accompanying maps, diagrams, charts and descriptions as to give legal standing to the implementation ordinances and other measures of the planning board. Each section of the master plan shall be consistent with the others in its implementation of the vision section. The master plan shall be a public record subject to the provisions of RSA 91-A. The master plan shall include, at a minimum, the following required sections:

(a) A vision section that serves to direct the other sections of the plan. This section shall contain a set of statements which articulate the desires of the citizens affected by the master plan, not only for their locality but for the region and the whole state. It shall contain a set of guiding principles and priorities to implement that vision.

(b) A land use section upon which all the following sections shall be based. This section shall translate the vision statements into physical terms. Based on a study of population, economic activity, and natural, historic, and cultural resources, it shall show existing conditions and the proposed location, extent, and intensity of future land use.

III. The master plan may also include the following sections:

(a) A transportation section which considers all pertinent modes of transportation and provides a framework for both adequate local needs and for coordination with regional and state transportation plans. Suggested items to be considered may include but are not limited to public transportation, park and ride facilities, and bicycle routes, or paths, or both.

(b) A community facilities section which identifies facilities to support the future land use pattern of subparagraph II(b), meets the projected needs of the community, and coordinates with other local governments' special districts and school districts, as well as with state and federal agencies that have multi-jurisdictional impacts.

(c) An economic development section which proposes actions to suit the community's economic goals, given its economic strengths and weaknesses in the region.

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section provides a factual basis for any land development regulations that may be enacted to protect natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. The natural resources section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22.

(e) A natural hazards section which documents the physical characteristics, severity, frequency, and extent of any potential natural hazards to the community. It should identify those elements of the built environment at risk from natural hazards as well as extent of current and future vulnerability that may result from current zoning and development policies.

(f) A recreation section which shows existing recreation areas and addresses future recreation needs.

(g) A utility and public service section analyzing the need for and showing the present and future general location of existing and anticipated public and private utilities, both local and regional, including telecommunications utilities, their supplies, and facilities for distribution and storage.

(h) A section which identifies cultural and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation.

(i) A regional concern section, which describes the specific areas in the municipality of significant regional interest. These areas may include resources wholly contained within the municipality or bordering, or shared, or both, with neighboring municipalities. Items to be considered may include but are not limited to public facilities, natural resources, economic and housing potential, transportation, agriculture, and open space. The intent of this section is to promote regional awareness in managing growth while fulfilling the vision statements.

(j) A neighborhood plan section which focuses on a specific geographical area of local government that includes substantial residential development. This section is a part of the local master plan and shall be consistent with it. No neighborhood plan shall be adopted until a local master plan is adopted.

(k) A community design section to identify positive physical attributes in a municipality and provide for design goals and policies for planning in specific areas to guide private and public development.

(l) An implementation section, which is a long range action program of specific actions, time frames, allocation of responsibility for actions, description of land development regulations to be adopted, and procedures which the municipality may use to monitor and measure the effectiveness of each section of the plan.

(m) A housing section which assesses local housing conditions and projects future housing needs of residents of all levels of income and ages in the municipality and the region as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II, and which integrates the availability of human services with other planning undertaken by the community.

3 Local Land Use; Master Plans; Preparation. RSA 674:3 is repealed and reenacted to read as follows:

674:3 Master Plan Preparation.

I. In preparing, revising, or amending the master plan, the planning board may make surveys and studies, and may review data about the existing conditions, probable growth demands, and best design methods to prevent sprawl growth in the community and the region. The board may also consider the goals, policies, and guidelines of any regional or state plans, as well as those of abutting communities.

II. Revisions to the plan are recommended every 5 to 10 years.

III. During the preparation of the various sections of the master plan, the board shall inform the general public, the office of state planning, and regional planning commissions and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

4 Local Land Use; Adoption of Zoning Ordinances. Amend RSA 674:18 to read as follows:

674:18 Adoption of Zoning Ordinance. The local legislative body may adopt a zoning ordinance under RSA 674:16 only after the planning board has adopted the ~~[general statement of objectives and the land use section]~~ **mandatory sections** of the master plan as described in RSA 674:2~~[-I and H]~~.

5 Office of State Planning; Program Administration. Amend RSA 4-C:20, I to read as follows:

I. The office shall prepare guidance materials for use by municipalities in the development of local water resources management and protection plans as provided in RSA 674:2, ~~[VHH]~~ **III(d)**, and other appropriate protection measures. If the written guidance materials discuss any requirements which exist under state or federal law and which the office believes may be applicable to the municipalities' plans, the materials shall identify the source of such requirements.

6 Regional Planning Commissions; Powers and Duties. Amend RSA 36:47, II to read as follows:

II. For the purpose of assisting municipalities in complying with RSA 674:2, **III(m)**, each regional planning commission shall compile a regional housing needs assessment, which shall include ~~[as]~~ **an** assessment of the regional need for housing for persons and families of all levels of income. The regional housing needs assessment shall be updated every 5 years and made available to all municipalities in the planning region.

7 Local Regulation of Excavations; Provisions for Protection of Water Resources. Amend RSA 155-E:11, II to read as follows:

II. Such regulations may include reasonable provisions for the protection of water resources, consistent with the municipality's local water resources management and protection plan developed under RSA 674:2, ~~[VHH]~~ **III(d)**. If such regulations prohibit excavations below a stated height above the water table, the regulations shall also contain a procedure whereby an exception to such prohi-

bition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality, provided, however, that written notice of such exception shall be recorded in the registry of deeds, and one copy filed with the department of environmental services.

8 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This amendment makes the vision section and the land use section the only mandatory sections of a master plan and provides for certain optional sections.

### **HB 701**, relative to municipal regulation of renewable energy systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: The committee recognized that policies encouraging the use of renewable energy sources present benefits for the New Hampshire Economy and Environment. This bill, while not creating any new mandates on local government, often encouragement for municipalities to facilitate the installation and use of such renewable energy systems. The bill had the support of the Department of Environmental Services. Vote 12-1.

### Amendment (1185h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to municipal limitation of renewable energy systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose of Zoning. Amend RSA 672:1, III-a to read as follows:

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. *Therefore, zoning ordinances should not unreasonably limit the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy, except where necessary to protect the public health, safety, and welfare;*

2 New Subparagraph; Purposes of Zoning Ordinances. Amend RSA 674:17, I by inserting after subparagraph (i) the following new subparagraph:

(j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height and placement of vegetation; encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

3 New Subparagraph; Subdivision Regulations. Amend RSA 674:36, II by inserting after subparagraph (j) the following new subparagraph:

(k) Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height and placement of vegetation; encouragement of the use of solar skyspace easements under RSA 477.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows for the adoption of zoning ordinances and subdivision regulations which encourage the use and installation of, and access to, solar, wind, and other renewable energy systems.

This bill is a request of the committee established in 1999, 47 and extended by 2000, 61.

### **SB 188-FN-L**, relative to abatements and appeals of betterment assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have provided specific time lines, abatement and appeal procedures for betterment assessments. All procedures and any changes were contained in HB 170, Chapter 158, Laws of 2001 which changed RSA 231:30, 32 thus rendering this bill moot. Vote 11-0.

**HB 336-FN-A**, making capital appropriations to the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The projects proposed in this bill were considered and most included in the Capital Improvement Budget HB 25, with provisions to extend bonding of \$100 million over four to six years as the projects are prepared. The University System is satisfied for the time, therefore, this bill is no longer needed. Vote 13-0.

**HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: This study is needed to address the problems that occur with the current process of the Department of Transportation and Environmental Services holding separate hearing on the same highway projects. Combining these hearings would allow the public to be better informed and provide a continuity to the process. Vote 14-0.

**Amendment (1950h)**

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

**HB 634**, relative to public/private partnership projects in the department of transportation. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Morse for Public Works and Highways: The Department of Transportation has researched public/private partnerships for transportation projects and does not recommend this legislation. The committee and the Commissioner of the Department of Transportation (DOT) agrees with the sponsor that rail projects should have specific legislation in the future to address the projects appropriately. Vote 13-1.

**SB 66-FN-A**, relative to appropriations to the port authority for dredging projects. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Moore for Public Works and Highways: The committee feels that further maintenance dredging in Seabrook/Hampton Harbor not be done until the Blackwater River/River Street Cut problem is resolved. Vote 13-1.

**HB 472**, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. John T. Gallus for Resources, Recreation and Development: Although the committee appreciated the intent of the bill to allow access to citizens of New Hampshire. The committee felt the bill was in conflict with Federal/State laws. Vote 16-1.

**HB 476**, relative to the definition of a campsite. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill was conceived to allow private property owners to have scouts or relatives camping on their property. While considering this bill, SB 33 was presented. SB 33 passed and was signed by the governor. SB 33 solves the problem that HB 476 was intended to solve and is therefore not needed. Vote 15-2.

**SB 88-FN-A**, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: SB 88-FN-A was to establish a travel and tourism appropriation in the Department of Resources and Economic Development. The appropriation for the Division of Travel and Tourism was made through the budgetary process, making this bill unnecessary. Vote 15-0.

**HB 316-FN**, establishing the position of state energy manager. **INEXPEDIENT TO LEGISLATE**

Rep. Terie T. Norelli for Science, Technology and Energy: This bill would have established the position of state energy manager to coordinate efforts to reduce the state's energy consumption and lower its \$17,000,000 annual energy bill. This position was funded in the budget and the new energy manager has been introduced to the committee. Therefore, this bill is no longer needed. Vote 16-0.



**HB 423**, relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee and the sponsor decided the bill is no longer needed. After extensive discussions the committee was made aware that in the event of merger between regulated utilities that the PUC has adequate authority to ensure that "just and reasonable" rates are a result of any merger. This authority would include jurisdiction over synergy savings that might be a result of any mergers. Such synergy savings were ordered by the PUC in the Northeast Utilities and Consolidated Edison merger, which was approved by the PUC though that proposed merger failed due to events outside of New Hampshire. The other issue was the time frame for the approval process for a merger under RSA 369:8, II(b)(5). Several utilities stated in writing that a 60-day requirement in that section did not constitute a "deemed approval" requirement. While the law points to expeditious approval of a merger within the stated time frame, if the PUC requires more time than the 60 days that the statute calls for, the PUC is not under a deemed approval requirement and could easily seek extensions from petitioners in the PUC review process of a merger. Vote 14-0.

**HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill adds Public Utility Commission (PUC) authority to prevent cramming and slamming in the electric and gas industries similar to the existing statutes that make it illegal for service providers in the telecommunications industry to engage in slamming and cramming. Slamming is the changing of a service provider that is not authorized by the customer. Cramming is the addition of services that are not authorized by a customer. Gas and electric utilities have agreed to this legislation. Vote 15-0.

#### **Amendment (1998h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.

Amend the bill by replacing all after the enacting clause with the following:

1 Public Utilities; Rates and Charges; Billing by Utility Companies. Amend the subdivision heading preceding RSA 378:44 to read as follows:

Billing by [~~Local Exchange Carriers~~] *Utility Companies*

2 Public Utilities; Rates and Charges; Billing by Distribution Companies. RSA 378:44-48 is repealed and reenacted to read as follows:

378:44 Definitions. In this subdivision:

I. "Billing aggregator" means a person, other than a service provider, who forwards a charge for a product or service offered by a service provider to the utility company for billing to the customer.

II. "Commission" means the public utilities commission.

III. "Cramming" means a submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's utility bill. Cramming shall not include tariffed charges or charges required or otherwise allowed by law.

IV. "Customer" means the party identified in the account records of the utility company, a person contractually or otherwise lawfully authorized to represent such party, or a person identified in such records as authorized to change the services subscribed to or to charge services to the account.

V. "Electric distribution company" means the company franchised by the commission to provide retail electric delivery service, provided, however, that municipal electric utilities and rural electric cooperatives for which certificates of deregulation are on file with the commission pursuant to RSA 301:57 shall not be considered electric distribution companies.

VI. "Gas distribution company" means the company franchised by the commission to provide retail gas delivery service.

VII. "Local exchange carrier" means the company that provides local telephone exchange service.

VIII. "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the utility company for billing to the customer. A customer's energy supplier shall not be deemed to be a service provider.

IX. "Utility company" means the local exchange carrier, electric distribution company, or gas distribution company who renders the utility bill to the customer for telephone, electric, or gas services, respectively.

378:45 Registration Required. All billing aggregators and service providers which directly submit charges to a utility company for inclusion on the utility bill shall be registered with the commission. The commission may revoke a registration for cause. The registration of a billing aggregator may be revoked based upon the fraudulent behavior or conduct of a service provider for whom the billing aggregator is billing.

378:46 Cramming Prohibited. No billing aggregator or service provider shall engage in cramming. Any billing aggregator or service provider that engages in cramming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed \$1,000 per offense. The commission may consider intent as a factor when assessing administrative fines. The commission may prohibit a billing aggregator or service provider that engages in cramming from billing through the utility company.

378:47 Charges by Service Providers.

I.(a) Upon determining that it is technically and economically feasible, the commission shall require local exchange carriers to permit a customer to place a block on an account that prevents any non-telecommunications-related charges that do not originate from the customer's local exchange or long distance carrier from appearing on the customer's local exchange carrier bill.

(b) A local exchange carrier is prohibited from terminating the essential voice local exchange service of any customer for failure to pay charges from a billing aggregator or service provider that are disputed by the customer.

II.(a) Upon determining that it is technically and economically feasible, the commission shall require electric and gas distribution companies to permit a customer to place a block on an account that prevents any charges that do not originate from the customer's energy supplier or distribution company from appearing on the customer's distribution company bill.

(b) An electric or gas distribution company is prohibited from terminating the transition service, default service, or distribution service of any customer for failure to pay charges from a billing aggregator or service provider.

378:48 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules regarding cramming adopted by the Federal Communications Commission and the Federal Energy Regulatory Commission, to enforce the provisions of this subdivision.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill amends laws relative to billing by local exchange carriers to:

I. Include billing by certain electric and gas distribution companies.

II. Exempt any charges allowed by law from the definition of "cramming."

III. Limit the cramming prohibition to billing aggregators and service providers, as defined in the bill.

### **HB 718-FN, establishing minimum renewable standards for energy portfolios. OUGHT TO PASS WITH AMENDMENT**

Rep. Donald B. White for Science, Technology and Energy: The committee voted unanimously for passage of this bill, as amended; recognizing that promotion of the generation of electric power is in the public interest. The generation of renewable electricity provides energy diversity and security, as well as environmental, economic and public health benefits. The amendment encourages greater choices for customers who wish to voluntarily purchase electricity generated from renewable resources. Any additional costs for this electricity must be borne by the customer. Utilities are not mandated to provide the option of renewable electricity. The amendment defines what is renewable electricity. The amendment also requires the Public Utilities Commission to complete its rulemaking on environmental disclosure of the sources of electricity so that customers have this information if they choose a competitive supplier. The amendment also encourages the PUC to include information on renewable electricity as part of its on-going customer education program. The amendment is a first step toward encouraging more generation of renewable electricity on a voluntary basis. The original bill would have mandated increasing levels of renewable electricity generation, which the committee rejected because of concerns of the impact such a policy would

have had on the price of electricity in New Hampshire. Sections 6 and 7 are not intended to create PUC jurisdiction over the New Hampshire Electric Cooperative or a municipality where such jurisdiction would not otherwise exist. Vote 16-0.

### Amendment (1958h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to renewable-energy-source electricity generation and transition service.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to promote the generation of electricity from renewable energy in recognition of the environmental, public health, economic, energy security, and energy diversity benefits associated with such production.

2 Public Utility; Regulation of Rural Electric Cooperatives. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374:26-a, 374-A, 374-C, 374-F, and 378:37-39 shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

3 Authority to Issue Finance Orders; Transition Service. Amend RSA 369-B:3, IV(b)(1)(A)-(D) to read as follows:

(A) From competition day until the completion of the sale of PSNH's ownership interests in fossil and entitlement interests in nuclear generation assets located in New Hampshire, PSNH shall supply all, *except as modified pursuant to RSA 374-F:3, V(f)*, transition service and default service offered in its retail electric service territory from its generation assets and, if necessary, through supplemental power purchases in a manner approved by the commission. Once PSNH is no longer supplying transition service, to the extent applicable, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service or as determined under RSA 374-F:3, V(e). The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until at least 24 months after initial transition service end day or as extended by the commission under RSA 374-F:3, V. From competition day until 21 months after competition day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*. From 21 months after competition day until initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*;

(ii) From initial transition service end day to the day that PSNH ceases to provide transition service, the price of transition service shall be PSNH's actual, prudent, and reasonable costs of providing such power, as approved by the commission, *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*. Thereafter, the price of transition service, if offered, shall be the competitively bid price for transition service, or as determined under RSA 374-F:3, V(e), *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*;

(iii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until at least 12 months after initial transition service end day or as extended by the commission under RSA 374-F:3, V. From competition day to 21 months after competition day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*. From 21 months after competition day to the day that PSNH ceases to provide transition service, the price of transition service shall be PSNH's actual, prudent, and reasonable costs of providing such power as approved by the commission, *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*. Thereafter, the price of transition service, if offered, shall be the competitively bid price for transition service, or as determined under RSA 374-F:3, V(e), *together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component*;

(D) Any difference between the price of transition service, *exclusive of the portion attributable to the renewable energy component under RSA 374-F:3, V(f)*, from competition day to the day that PSNH ceases to provide transition service and PSNH's actual, prudent, and reasonable costs of providing such power as determined by the commission shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

4 New Subparagraph; Electric Utility Restructuring Policy Principles; Renewable Energy Option Transition Service. Amend RSA 374-F:3, V by inserting after subparagraph (e) the following new subparagraph:

(f)(1) A utility may, at its discretion, offer its customers to choose a renewable energy transition service option from one or more options, as approved by the commission. A renewable energy transition service option should have either all or a portion of its service attributable to a renewable energy component, with any remainder filled by standard transition service. Costs associated with the renewable energy component should be paid for by those customers choosing to take the renewable energy transition service option; the price of the renewable energy component shall be approved by the commission.

(2) The renewable energy component should be composed of the purchase of electricity from generation sites powered by renewable energy and located within the ozone transport region (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia) or, as approved by the commission in consultation with the department of environmental services, the purchase of various forms of renewable energy certificates or emission credits, allowances, or certificates attributable to such generation sites, but acquired separately from the electricity produced. Renewable energy certificates administered by the Independent System Operator-New England should be considered at least one form of certification that is acceptable under this program.

(3) For purposes of subparagraph (f), "renewable energy" means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

(4) A utility that is required by statute to provide transition service from its generation assets should use any of its owned generation assets that are powered by renewable energy for the provision of standard transition service, rather than for the provision of a renewable energy component.

(5) Utilities offering renewable energy transition service options should insert educational materials in their normal mailings to their customers that explain the renewable energy transition service options being offered and the health and environmental benefits associated with them. Such educational materials should be compatible with any environmental disclosure requirements established by the commission.

(6) For purposes of consumer protection and the maintenance of program integrity, reasonable efforts should be made to assure that the renewable energy component of a renewable energy transition service option is not separately advertised, claimed, or sold as part of any other electric service or transaction.

5 New Paragraph; Electric Utility Restructuring; Promoting Renewable Energy. Amend RSA 374-F:6 by inserting after paragraph IV the following new paragraph:

V. Working on promoting the generation of electricity from renewable energy.

6 Environmental Disclosure. The public utilities commission shall establish reporting requirements that will inform all customers on an ongoing basis about the resource mix and environmental characteristics of the electrical service that they take.

7 Expenditure on Renewable Energy Education. As part of the effort to educate the public about electric utility restructuring and their ability to choose suppliers, the public utilities commission shall make certain that a reasonable amount of money is expended to inform the public about the various environmental, public health, economic, and energy diversity benefits associated with customers supporting the generation of electricity from renewable energy resources.

8 Repeal. RSA 374-F:6, I-II, relative to retail wheeling and restructuring and relative to the competitive retail purchase pilot program, are repealed.

9 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill permits electric utilities to establish renewable energy options as part of transition service.

### **HB 209-FN, relative to original and youth operators' licenses. OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman Packard for Transportation: This bill, as amended, repeals the stipulation that a 16 or 17 year old cannot drive unless accompanied by an adult for the first 90 days. It requires a one-year license for those under 18 years old. During the first 6 months, the youth operator will be limited to one passenger in the vehicle other than a family member or unless accompanied by an adult over 25 years of age. The charge for the license will be 10 dollars (\$10). If conviction free for one year, the youth will be moved into a full 5-year license. Vote 13-0.

### **Amendment (2025h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Drivers' Licenses; License Expiration; Exception. Amend RSA 263:10 to read as follows:

263:10 License Expiration. *Except as provided in RSA 263:14*, all licenses shall expire on the fifth anniversary of the license holder's date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder's last known address, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license.

2 Youth Operators' Licenses; Operation Restrictions. Amend RSA 263:14, II(c) to read as follows:

(c) During the first ~~90 days~~ *6 months* after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle *with more than one passenger less than 25 years of age who is not a member of the holder's family* unless accompanied by a licensed responsible adult who is at least 25 years of age.

3 New Subparagraph; Original and Youth Operators' Licenses; Expiration of Youth Operators' Licenses. Amend RSA 263:14, II by inserting after subparagraph (f) the following new subparagraph:

(g) A youth operator's license shall expire one month after the first anniversary of its issuance unless the holder is convicted of an offense specified in RSA 259:39. If the holder of a youth operator's license is convicted of an offense specified in RSA 259:39, the license shall expire one year after the date of the holder's last conviction of any offense specified in RSA 259:39 and the holder shall not be eligible to apply for any other form of license under Title XXI until the youth operator's license has expired. If an action for an offense specified in RSA 259:39 is pending against the holder of a youth operator's license on the date of the license's scheduled expiration, the director shall issue a temporary license to the holder valid until the conclusion of the action.

4 Driver Education; Motorcycle Endorsement; Reference Deleted. Amend RSA 263:19, III to read as follows:

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b ~~[and shall be exempt from RSA 263:14, II(c) while operating a motorcycle]~~.

5 Driver's License Fees; Expiration; Exception. Amend RSA 263:42, 1 to read as follows:

1. For each [~~youth operator's or~~] original driver's license and examination or driver's license renewal, other than for a commercial vehicle- \$50; **for each youth operator's license and examination- \$10**; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period-\$20; for each commercial vehicle endorsement, renewal of an endorsement or removal of a restriction- \$10. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. **Except as provided in RSA 263:14**, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

6 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill provides for the expiration of youth operators' licenses, modifies the restrictions on motor vehicle operation by youth operators, and changes the fee for such licenses.

**CACR 24**, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 1/2 percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Ways and Means: The subcommittee voted 5-0 to ITL this bill. As a sales tax was not passed in 2001, nor does there appear to be one on the horizon, this bill is not relevant at this time. Vote 17-0.

**CACR 25**, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: In view of the legislature's actions in adopting HB 170 last June, the Committee believes that this bill is now moot. Vote 15-0.

**HB 213-FN**, increasing the allowable amount of education property tax relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: The committee unanimously agreed that while this bill's purpose of expanding hardship relief from the statewide property tax was laudable the bill was too narrow in its focus and therefore should be amended to create a study committee to examine all aspects of hardship relief from the statewide property tax. Vote 15-0.

### Amendment (1959h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a study committee on education property tax hardship relief.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study education property tax hardship relief.

2 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the components of education property tax hardship relief and recommend changes to current education property tax hardship relief laws.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take upon its passage.

### AMENDED ANALYSIS

This bill establishes a study committee on education property tax hardship relief.

**HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Susan W. Almy for Ways and Means: Certain pensions, primarily those of Portsmouth Shipyard and NH State Group II retirees, are taxable in full by the IRS. The vast majority of NH elderly enjoy non-taxable pensions and social security, and thus, if impoverished homeowners, can claim more relief than the working poor under the statewide property tax hardship relief program passed into law last year. Portsmouth Shipyard and Group II pensioners cannot. This bill entitles them to the same relief as the majority of elderly get. The legislature projected a maximum of \$10 million to cover the cost of hardship relief over the biennium; this should add an estimated 4-9% to that. Vote 15-0.

### Amendment (2051h)

Amend the title of the bill by replacing it with the following:

**AN ACT** excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Household Income. Amend RSA 198:56, III to read as follows:

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any adult member of the claimant's household who resides in the homestead for which a claim is made, *less up to \$14,000 in pension payments for each claimant or household member who was ineligible for social security and receives a pension in lieu of social security payments*. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

2 Effective Date. This act shall take effect July 1, 2002 at 12:01 a.m..

### AMENDED ANALYSIS

This bill excludes pension income up to \$14,000 in pension payments received in lieu of social security payments from household income for purposes of determining low and moderate income homeowners property tax relief.

Referred to Finance.

**HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: The Business Profits Tax is currently calculated using three criteria, with the so-called sales factor receiving double weight. This bill would base the BPT solely on a business' sales. It would affect the approximate 8,000 taxpayers who do business both inside and outside New Hampshire. The change would benefit and encourage manufacturing – a sector of our economy which has been in significant decline – but adversely affect an even larger number of smaller businesses in the service, retail and wholesale sectors. In addition, all parties agreed that this change would result in a reduction of from \$7 to \$9 million in business tax revenues during normal times. The committee almost unanimously concluded that it would be unwise to consider this change during these uncertain economic and fiscal times. Vote 16-1.

**HB 378**, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Ways and Means: The intent of this bill is to reduce the possibilities for dishonest activities by bingo operators and to reduce the amount of proceeds from those games that go to benefit causes outside of the state of New Hampshire. The committee entertained significant testimony from reputable charities as well as from churches that stated that this proposal would interfere with their charitable efforts. For example, many churches in New Hampshire hold bingo games that raise funds for relief and missionary efforts in other parts of the United States as well

as in third world nations. If HB 378 were to be adopted, local charities would not be able to raise funds to benefit causes that they see as important to them. The issue of fraudulent activities was not a concern for the Department of Safety, which has police powers over the operations of bingo games. Vote 18-0.

**HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: This bill was filed at the request of one constituent who was concerned about the fairness of taxing trusts in New Hampshire and about a beneficiaries power to influence a trustee's management decision. However testimony received from the Department of Revenue Administration, the banking industry, and the legal profession unanimously confirmed that trusts are taxed in the way that individuals and corporations are taxed, as required by the New Hampshire Constitution. Further, in order for a trust to validly exist as a separate legal entity, the trustee must be receptive to, but cannot be bound and controlled by the demands of that trust's beneficiaries. Vote 16-0.

**HB 558-FN-A-L**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Ways and Means: This bill was introduced as a vehicle to solve the state's anticipated budget deficit by increasing several taxes and creating some new ones as well. As the budget for the current biennium is balanced and has been signed into law, there is now no need for this proposal. Vote 17-1.

**HB 644-FN-A-L**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill was retained by the committee as a gambling bill vehicle. There are at least 5 new bills coming forth that we feel deserve consideration. The sponsor's concerns were that expanded gambling (should that occur) should not be an exclusive license to a chosen few and that there should be fair opportunity for the distribution of licenses to those that want to participate. These concerns can be addressed at the appropriate time with the upcoming bills. Vote 17-1.

**SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: This bill was requested by the Dept. of Revenue Administration. There was opposition from both the legal and business communities, and subsequent to the public hearing, the Commissioner of the DRA asked that the bill be found inexpedient to legislate. Vote 16-0.

**SB 64-FN-A**, establishing a fund to pay mediators in the probate courts. **OUGHT TO PASS**

Rep. David W. Hess for Ways and Means: This bill institutes a voluntary mediation program in our Probate Courts to facilitate the resolution of litigation in those courts. Effective mediation of these disputes is particularly appropriate because the parties involved are generally familiar with each other and are frequently members of the same family. Mediation in these cases requires professional, skilled and trained individuals. This purely voluntary program will be funded by a \$5 fee added to all filings in Probate Court. No parties appeared in opposition. The probate court forecasts that the fee will generate \$50,000 annually. Vote 15-0.

Referred to Finance.

**SB 142-FN**, relative to the collection of debts owed to the state. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: This bill was introduced at the request of a single constituent, which was a collection agency. The committee received input from several state agencies, and the consensus was that the state does very well collecting debt on its own. There were also serious concerns about having a private agency represent the state in the collection of debt. Vote 17-0.

**SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. **INEXPEDIENT TO LEGISLATE**



Rep. Bette R. Lasky for Ways and Means: The subcommittee voted 5-0 to ITL this bill. A commission established by SB 21 has been meeting all summer to study in depth the issue of "affordable housing". The commission is ongoing and will consider the content of SB 183 in its deliberations on possible legislation to address affordable housing. Vote 16-1.

### REGULAR CALENDAR

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Bouchard for Children and Family Law: The intent of the bill is to decrease the workload of the Health and Human Services, Division of Child Support, by enacting an additional option for the transfer of child support payments instead of automatic wage assignment.

#### Amendment (2027h)

Amend the bill by replacing all after the enacting clause with the following:

1 Domestic Relations; Assignment of Income; Direct Deposit Dedicated Checking Account Alternative. Amend RSA 458-B:2, I to read as follows:

I. Child support, spousal support or combination child and spousal support orders issued or modified after January 1, 1994, whether payable through the department or directly to an obligee, shall include a provision assigning a portion of the obligor's income, salaries, commissions, earnings, or other periodic income from whatever source, except as expressly limited by law *and as otherwise provided in this section*. [~~Such assignment shall take effect immediately~~] If the state is paying public assistance for the benefit of the minor children, *the assignment shall be required and shall take effect immediately*. In all other cases, where the state is not paying public assistance, the assignment [may] *shall* be suspended by the court:

(a) Where there is a written agreement between the obligor and obligee approved by the court or administrative body.

*(b) Where there is a written agreement between the obligor and obligee, approved by the court, that establishes a "direct deposit" dedicated checking account for the purpose of receiving regularly scheduled payments. All basic service fees of the dedicated account remain the responsibility of the obligor. The obligee shall maintain a record of all monthly bank statements for the duration of the agreement. The statements shall be presented to the court upon request. The direct deposit procedure shall be revoked when a delinquency equal to the support obligation for one month is incurred. An income assignment shall then be initiated without requiring an amendment to the support order or further action by the court or administrative body that issued the order. If the obligee is unwilling to agree to the use of a direct deposit dedicated checking account, the obligee shall successfully demonstrate by clear and convincing evidence that such an account would not be in the best interest of those involved.*

~~[(b)]~~ (c) When the court or administrative body finds that there is good cause not to require immediate income assignment. For purposes of this paragraph, any finding that there is good cause not to require assignment must be based on at least:

(1) A written determination and explanation by the court or administrative body as to why implementing immediate assignment would not be in the best interests of the child; and

(2) Proof of the obligor's timely payment of any previously ordered support.

2 Domestic Relations; Assignment of Income. Amend RSA 458-B:2, II (b) to read as follows:

(b) In the event an assignment is suspended in the first instance because there has been a written agreement approved by the court or a determination of good cause, an obligee may seek the initiation of the assignment [~~without regard to whether there is an arrearage by petitioning the court to negate the written agreement or to remove the good cause determination~~] *upon a court finding that the obligor is in violation or contempt of an order of support*.

3 Judicial Income Assignment; Direct Deposit Dedicated Checking Account Alternative. Amend RSA 458-B:9 to read as follows:

458-B:9 Judicial Income Assignment. Nothing in this chapter precludes a judge upon petition of a party or sua sponte from ordering an immediate income assignment without accrual of arrearages[~~, when it is deemed to~~] *if it is determined by clear and convincing evidence that the use of a direct deposit checking account would not be in the best interest of the child, obligee, or obligor [to do so]*. A judicial order under the terms of this chapter will satisfy all due process required by this chapter.

4 New Subparagraph; Child Support Guidelines; Child Support Formula; Modification May Be Retroactive to Date of Loss of Income. Amend RSA 458-C:3, IV by inserting after subparagraph (b) the following new subparagraph:

(c) If the obligor's income has been terminated because of an involuntary lay-off, termination of employment, or provable loss of income through no fault of the obligor's, any modification of support payments shall be retroactive to the date of notification to the obligee of the petition for modification. In such cases, the obligor shall provide notice of the petition for modification to the obligee's attorney or directly to the obligee, by certified mail, restricted return receipt requested. The obligor shall file the petition to modify the support order with the court within 30 days of the date of mailing the notification to the obligee.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes the use of a direct deposit dedicated checking account as an alternative to wage assignment for child support payments.

The bill also permits modification of child support payments to be retroactive to the date of notification of the petition for modification based on loss of income.

Adopted.

Report adopted and ordered to third reading.

**HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: In this first year of the biennium, the committee dealt with three bills relative to telemarketing practices. Because of interstate commerce issues, it is difficult to regulate against the telemarketers. The Commerce Committee requested that the New Hampshire Telephone industry do a special mailing advising their customers what can be done to stop telemarketers from making these calls. It is our understanding that 100% of users with telephone wires have been contacted. Based on this, the committee recommends that HB 470 be reported out as inexpedient to legislate. Vote 15-1.

Adopted.

**HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund. **REFER FOR INTERIM STUDY**

Rep. Marshall E. Quandt for Commerce: This bill would require non-profit hospitals to have a guaranteed amount of charitable care. The committee felt this bill has merit but needed a lot of work, and therefore voted unanimously for Interim Study. Vote 16-0.

Adopted.

**HB 710-FN**, relative to liquor licenses and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill constitutes a sweeping revision of the current liquor licenses and fees as found in RSA 178. Right now there are 54 classifications of retail on premise licenses for the sale of alcohol. This legislation is strongly recommended by the New Hampshire Liquor Commission who believe that the current laws governing licensing in the Title XIII are a complex labyrinth constructed more to accommodate new and evolving businesses than an orderly and efficient licensure structure for businesses selling alcoholic beverages. This bill, when passed, will enable the Bureau of Enforcement to concentrate their efforts on the more important issues of underage drinking and the over- service of alcoholic beverages. Vote 17-0.

### Amendment (1895h)

Amend the bill by replacing sections 4-5 with the following:

4 New Paragraph; Definitions; Caterer. Amend RSA 175:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Caterer" means a person who provides meals or other food as well as liquor or beverage service to private groups on premises approved by the commission for such service. At least 50 percent of a caterer's sales conducted under a license issued by the commission shall be food.

5 New Paragraph; Definition; Food Service Business. Amend RSA 175:1 by inserting after paragraph XXXI the following new paragraph:

XXXI-a. "Food service business" means a business kept, used, maintained, advertised, and held out to the public solely as a place where meals are served. At least 50 percent of the sales of a food service business shall be food consumed on the premises.

Amend RSA 178:12, IV as inserted by section 12 of the bill by replacing it with the following:

IV.(a) The holder of a beverage manufacturer license may sell beverages manufactured on its premises to:

(1) The licensee's employees who are of legal drinking age at such discounts as are customary in the business;

(2) The general public for off-premises consumption in quantities not to exceed a single 15.5 gallon keg or the equivalent of one case of 12 ounce containers per person per day; or

(b) A holder of a beverage manufacturer license who manufactures 15,000 barrels or less during its licensing period may elect to distribute its beverages directly to retail licensees and/or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

Amend RSA 178:16 as inserted by section 12 of the bill by inserting after paragraph IV the following new paragraph:

V. No person shall have through stock ownership, interlocking directors, or otherwise, an interest or control, either direct or indirect, in the business of the holder of a wholesale distributor license, unless he or she has been a resident of the state for at least 3 consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits which were in existence on March 15, 1957, nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession, or, in the case of a will, those who acquired their interest under a will, provided that such legatees are also heirs-at-law or spouse of the deceased.

Amend RSA 178:22 as inserted by section 12 of the bill by replacing it with the following:

178:22 Additional Fees.

I. In addition to the annual license fees provided in this chapter, a fee of \$.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

II. A sum of money from all sources of funds available to the department of transportation equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.

Amend RSA 180:1, IV-V as inserted by section 37 of the bill by replacing it with the following:

IV. ~~["Goodwill," unless otherwise agreed, means earnings before taxes resulting from the wholesale distributor's sale of the beverage manufacturer's, beverage vendor's, or beverage vendor importer's brand or brands of beverages averaged over the wholesale distributor's last 3 fiscal years, or averaged over the wholesale distributor's recent fiscal years in which the wholesaler has had such earnings if fewer than 3 fiscal years.~~

¶J. "Wholesale distributor licensee" means any person offering beverages for sale or resale to retailers without regard to whether the business of the person is conducted under the terms of an agreement with a beverage manufacturer, brew pub, *or* beverage vendor[, or beverage vendor importer].

Adopted.

Report adopted.

Referred to Ways and Means.

**HB 765-FN-A**, establishing an historic homeownership mortgage credit program. **REFER FOR INTERIM STUDY**

Rep. Joseph D. Kenney for Commerce: This bill would establish an historic homeownership mortgage credit program in which owners of certain historic homes receive a mortgage credit for a percentage of qualified rehabilitation expenses. The overall fiscal note for this bill was for \$1,000,000. An eligible individual would be entitled to receive an historic homeownership mortgage credit in an amount equal to 25% of the qualified rehabilitation expenditures made by the individual with respect to a qualified historic home. The credit allowed by this section with respect to any residence shall not exceed \$50,000. The committee appreciated the need to develop a program for historical home preservation in historic districts and within New Hampshire Main

Street Centers. However, the committee felt the bill needed some “nuts and bolts” work and a better financial study of pre-existing programs around the nation to justify a large fiscal note. The committee felt the pressing need in New Hampshire is for affordable housing that is addressed in SB 102-A. Vote 17-0.  
Adopted.

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. **OUGHT TO PASS**

Rep. Joseph D. Kenney for Commerce: This bill would appropriate \$5,000,000 to the New Hampshire Housing Finance Authority to address the affordable housing needs of the state. A similar request was made in 1989, which has produced excellent results, and for every dollar invested, ten dollars was created in housing projects. The Treasury Department has determined that this bill will increase state general fund expenditures by \$545, 875 in FY 2002, by \$530,875 in FY 2003, by \$515,875 in FY 2004 and by \$503, 500 in FY 2005. There will be no effect on county and local expenditure or on state, county and local revenues. This bill increases general fund bonded indebtedness by \$5,000,000. This appropriation shall be nonlapsing. Because the Commerce Committee is a policy committee, we left the dollar amount and the timing of when the funding would begin to be determined by the Finance Committee. However, the committee strongly supported this bill based on the escalating needs of housing in our state, and the past success of the New Hampshire Housing Authority. Vote 17-0.

Adopted and referred to Public Works and Highways.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 436**, eliminating nomination of a party by nomination papers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Election Law: The majority of the committee agreed more work needs to be done on this issue but this bill would repeal all the work the committee accomplished last year. The majority of the committee recommended Inexpedient to Legislate so that it may start fresh with bills presented this year. Vote 10-8.

Adopted.

**HB 519**, relative to the ballot law commission. **OUGHT TO PASS**

Rep. Natalie S. Flanagan for Election Law: This bill returns the right to determine petition to cease and desist back to the Ballot Law Commission. Any cases of misconduct or fraud shall be handled by the Attorney General. Vote 10-8.

Rep. Arndt moved Recommit to committee.

Adopted.

Recommitted to Election Law.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill would require the 3 plant inspectors in the Department of Agriculture to obtain a search warrant to inspect over 700 regulated plant producers and retailers, in addition to monitoring our general landscape for exotic, or invasive, species. Invasive species include other plants, insects, molds, fungi, and bacteria that compete with our native species. Invasions, accidental or intentional can have major economic and ecological impact as evident with Am. Chestnut Blight and Milfoil. The committee recognizing that early detection and rapid response is essential to combat such threats to our economic and environmental well being. Vote 14-0.

Rep. Musler moved Recommit to committee.

Adopted.

Recommitted to Environment and Agriculture.

**HB 675**, relative to mercury source reduction. **OUGHT TO PASS WITH AMENDMENT**

Rep. James Phinzy for Environment and Agriculture: This bill is part of a regional effort to achieve mercury reduction in the environment and to establish a reasonable time line for reduction of mercury in consumer products. This legislation establishes a sensible, non-nonsense approach towards those products which contain mercury as an added component. Vote 13-5.

**Amendment (2001h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to mercury source reduction.

Amend the bill by replacing section 2 with the following:

2 Notification. RSA 149-M:52 is repealed and reenacted to read as follows:

149-M:52 Notification.

I. No mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product or its industry trade group to the department in accordance with the requirements of this section. The individual component manufacturer shall remain responsible for providing the information in accordance with the requirements of this section. Importers of these products shall assure that the manufacturer has complied with this section before sale or use or distribution in the state. Such notification shall as a minimum include:

(a) A brief description of the product to be offered for sale, use, or distribution.

(b) For each individual product, or for each category of product, identification of its mercury content in one of the following ranges: greater than 0 to 5 mg, greater than 5 mg to 10 mg, greater than 10 mg to 50 mg, greater than 50 mg to 100 mg, greater than 100 mg to 1000 mg, or greater than 1000 mg.

(c) For each individual product or category of products, identification of the purpose that mercury serves in the product.

(d) The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer.

(e) The total amount of mercury contained in all their products containing mercury sold in the United States. This information may be provided either by individual manufacturers or aggregated for an industry by a trade group. This information shall be based on prior calendar year sales and shall be updated in 3-year intervals or sooner for categories of mercury-added products where there has been a significant change in the amount of mercury used by that product category.

II. The manufacturer shall update and revise the information in the notification when requested by the department.

III. Any information furnished pursuant to the requirements of this section, which, as certified by the manufacturer, relates to production or sales figures or to processes or production unique to the manufacturer or which would tend to affect adversely the competitive position of the manufacturer, shall be only for the confidential use of the department and the interstate clearing house in the administration of this section, unless the manufacturer shall expressly agree to its publication or availability to the general public. Nothing in this section shall be construed to prevent the use of such information by the department and the interstate clearinghouse in compiling or publishing analyses or summaries relating to the amount and effect of mercury in products and the environment; provided that the analyses or summaries do not identify any manufacturer or reveal any information otherwise confidential under this section.

IV. A fabricated mercury-added product manufacturer is not required to provide mercury content information on its mercury-added component, if the component manufacturer has provided the information to the department, and if the fabricated mercury-added product manufacturer notifies the department of the specific components used in the fabricated mercury-added product, and the identification of the manufacturer of the components.

V. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

Amend the bill by replacing all after section 3 with the following:

4 New Sections; Requirements Relative to Labeling, Notification, and Disposal of Mercury-Added Products. Amend RSA 149-M by inserting after section 57 the following new sections:

149-M:58 Phase-out and Exemptions.

I. No mercury-added product shall be offered for final sale or use or distributed for promotional purposes in New Hampshire if the mercury content of the product exceeds:

(a) One gram (1000 milligrams) for fabricated mercury-added products or 250 parts per million (ppm) for formulated mercury-added products. 2 years from the effective date of this section.

(b) One hundred milligrams for fabricated mercury-added products or 50 parts per million (ppm) for formulated mercury-added products, 4 years from the effective date of this section.

(c) Ten milligrams for fabricated mercury-added products or 10 parts per million (ppm) for formulated mercury-added products, 6 years from the effective date of this section.

II. For a product that contains more than one mercury-added product, the phase-out limits specified in paragraph I apply to each mercury-added product and not the sum of the mercury in all the components.

III. Fluorescent lamps shall be exempt from the requirements of paragraph I. Eight years from the effective date of this section, the mercury content of fluorescent bulbs shall not exceed 10 milligrams unless the manufacturer complies with the exemption requirements of paragraphs V-VII.

IV. A mercury-added product shall be exempt from the limits on total mercury content set forth in paragraph I if the level of mercury or mercury compounds contained in the product is necessary in order to comply with federal or state health or safety requirements. In order to claim exemption under this paragraph, the manufacturer shall notify the department in writing and provide the legal justification for the request for exemption.

V. Manufacturers of a mercury-added product may apply to the department for an exemption of no more than 2 years, from the limits on total mercury content set forth in paragraph I for a product or product category. An exemption may be renewed and each renewal shall be for a period not to exceed 2 years.

VI. Applications for exemptions shall:

(a) Be submitted no later than one year prior to the phase-out dates established in paragraph I; and

(b) Document the basis for the request.

VII. The department may grant an exemption with modifications or conditions for a product or category of products if it finds:

(a) Use of the product is beneficial to the environment, protective of public health, or protective of public safety;

(b) There is no technically feasible alternative to use of mercury in the product;

(c) There is no comparable non-mercury-added product available at reasonable cost that is less harmful to the environment and public health;

(d) A satisfactory recycling program is in place; and

(e) For exemption renewal, that reasonable efforts have been made to eliminate mercury from the product.

VIII. Prior to issuing an exemption, the department is encouraged to consult with neighboring states and provinces and regional organizations to promote consistency. The state shall avoid inconsistencies in the implementation of this section to the extent feasible.

IX. When applications for exemption are submitted in full compliance with the requirements listed in paragraph VI and the department has not responded, the manufacturers may continue to sell their products pending resolution by the department.

X. If an application for an exemption is denied, the products involved shall only be sold for use or distributed for promotional purposes until the phase-out dates established in paragraph I or one year from the date of disapproval by the department, whichever date is later.

149-M:59 Labeling of and Consumer Information About Mercury-Added Products. Effective January 1, 2003, a manufacturer shall not sell at retail in this state or to a retailer in this state, and a retailer shall not knowingly sell a mercury-added product unless the item is labeled pursuant to this section. The department shall adopt rules, pursuant to RSA 541-A, to establish standards for labeling products and product packaging. The rules shall strive for consistency with labeling programs in other states and provide for approval of alternative compliance plans by the department.

I. Where a mercury-added product is a component of another product, the product containing the component and the component shall both be labeled. The label on a product containing a mercury-added component shall identify the component with sufficient detail so that it may be readily located for removal.

II. Labels affixed to the product shall be constructed of materials that are sufficiently durable to remain legible for the useful life of the product.

III. After 2 years from the effective date of this section, any person offering a mercury-added product for final sale or use or promotional purposes to an address in New Hampshire shall clearly advise the purchaser or recipient at the point of sale that the product contains mercury. This requirement applies to all transactions where the purchaser or recipient is unable to view the labels on the package or the product prior to purchase or receipt, including but not limited to catalog, telephone, and Internet sales.

IV. Responsibility for product and package labels required under this section shall be on the manufacturer, and not on the wholesaler or retailer unless the wholesaler or retailer agrees with the manufacturer to accept responsibility in conjunction with implementation of an alternative to the labeling requirements under paragraph V. In the case of a multi-component product the responsible manufacturer is the last manufacturer to produce or assemble the product. Importers of mercury-added products shall assure that the manufacturer has complied with this section before sale, use, or distribution in the state.

V.(a) Labeling of appliances (commonly called white goods) sold in a store where the appliance is on display shall meet all requirements of this section except that no package labeling is required.

(b) Labeling of mercury-added thermometers, including those with mercury-added button cell batteries, shall meet all requirements of this section except that no product labeling is required.

(c) Labeling of motor vehicles shall meet all requirements of this section except that the mercury-added components are not required to be labeled. A doorpost label shall list the mercury-added components that may be present in the vehicle.

(d) Manufacturers of button cell batteries shall label the battery packaging in accordance with the requirements of this section, but the manufacturer is not required to affix a label directly to the battery.

(e) Manufacturers of products that contain mercury-added button cell batteries as the only mercury or mercury-added component shall include in the product instructions, if any, and the packaging, the information required under paragraph III, but are not required to affix a label directly to the product.

(f) The department may only adopt labeling standards for mercury-added lamps when it determines labeling standards for mercury-added lamps have been adopted by at least 2 New England states to constitute a regionally accepted labeling standard for such products. The department shall develop a labeling standard that replicates, to the maximum extent feasible, the regionally accepted labeling standard.

VI. Alternative methods of public notification may be provided as follows:

(a) A manufacturer may apply to the department for an alternative to the requirements of this section if:

(1) strict compliance with the requirements is not feasible;

(2) the proposed alternative would be at least as effective in providing pre-sale notification of mercury content in the mercury-added product and in providing instructions on proper disposal; or

(3) federal law governs labeling in a manner that preempts state authority.

(b) Applicants for an alternative to the requirements of this section shall document the justification for the requested alternative.

(c) The department may grant, deny, modify, or approve with conditions, an alternative to the requirements of this section. Such waiver shall be for a period of no more than 2 years and may, upon continued eligibility under the criteria of this section and compliance with the conditions of its prior approval, be renewed at 2-year intervals. Prior to approving an alternative, the department is encouraged to consult with neighboring states, provinces, and regional organizations to insure that its labeling requirements are consistent with those of other governments in the region.

VII. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:60 Mercury-added Lamps: Large Use Applications.

I. A person who sells mercury-added lamps to the owner or manager of an industrial, commercial, institutional, or office building, or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser in writing on the invoice for the lamps or in a separate document that the lamps contain mercury, a hazardous substance that is regulated by federal and state law, and that they may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from the requirements of this paragraph.

II. A person who contracts with the owner or manager of an industrial, commercial, institutional, or office building, or with a person responsible for outdoor lighting, to remove from service mercury-added lamps; shall clearly inform, in writing, the person for whom the work is being done,

that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps. Such arrangements shall be consistent with state and federal law pertaining to the handling and disposal of mercury as a hazardous substance. Residential users are exempt from the requirements of this section.

149-M:61 Disposal Ban.

I. Two years after the effective date of this section, no person shall knowingly dispose of mercury-added products in solid waste landfills or incinerators.

II. Owners and operators of solid waste landfills, transfer stations, and incinerators may develop programs to sort, collect, and recycle or dispose of mercury-added products in accordance with applicable laws and regulations.

III. Except as otherwise provided by this section, every person who discards solid waste within the state shall separate mercury-added products from that solid waste for recycling or disposal as a hazardous waste. Any contractor who replaces or removes mercury-added products shall assure the proper separation and recycling or the disposal as a hazardous waste of any discarded mercury-added product.

IV. After proper separation of mercury-added products, each person who discards that waste shall either:

(a) Set that waste in a designated area for collection by a hauler who shall deliver that waste to a facility that is legally authorized and permitted to accept that waste; or

(b) Deliver that waste to a facility that is legally authorized and permitted to accept that waste.

V. Owners and operators of solid waste transfer, incineration, and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

(a) Posting of signs at the facility providing notice of the prohibition against the disposal and incineration of mercury-added products.

(b) Written notification to, or agreements with, the facility's customers, providing notice of the prohibition against the disposal and incineration of mercury-added products.

(c) Implementation of a procedure, approved by the department, for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and for separating out observed mercury-added products for return to the generator, recycling, or disposal as a hazardous waste.

(d) Provide customers with information about collection programs or facilities that are permitted to accept mercury-added products for recycling or disposal as a hazardous waste.

VI. Solid waste management facilities or any business in New Hampshire that accepts appliances or motor vehicles shall be responsible for removing mercury-added components, except lamps used for backlighting or displays, prior to crushing, shredding, or other scrap metal processing. The collected mercury-added components shall be recycled or disposed of as hazardous waste.

VII. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:62 Universal Waste Rule. The department may adopt or modify its rules governing universal hazardous waste, to promote the recycling, recovery, and proper management of elemental mercury and mercury-added products on a statewide and regional basis.

149-M:63 State Procurement Preferences for Low or Non-Mercury-Added Products.

I. Notwithstanding other policies and guidelines for the procurement of equipment, supplies, and other products, the department of administrative services shall, within one year of the effective date of this section, revise its policies, rules, and procedures to implement the purposes of this subdivision.

II. The department of administrative services shall give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless there is no economically feasible non-mercury-added alternative that performs a similar function and is less harmful to the environment and public health. In circumstances where a non-mercury-added product is not available, preference shall be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

(a) The department of administrative services is authorized to give a price preference for products that contain no mercury or less mercury.



(b) This priority and preference shall apply to all state purchases, as well as any purchases made by others with state funds.

(c) With respect to lighting, energy efficient lamps for lighting purposes shall be purchased in preference to other less efficient lighting options. To the maximum extent possible, purchases shall be restricted to lights that contain the lowest total mercury content per lumen hour available. Spent bulbs shall be recycled.

(d) The procurement agent shall specify non-mercury or reduced mercury-added products, as applicable, in procurement bid documents.

(e) The department of administrative services shall investigate the potential cost savings from use of energy efficient lamps and shall implement a program of accelerated replacements in those applications where there is an estimated payback period of 3 years or less.

III. State dental insurance contracts negotiated after the effective date of this section shall provide and maintain equal coverage for non-mercury fillings and mercury amalgam fillings at no additional expense to the state employee.

149-M:64 Administrative Fees and Rules. The department may impose fees sufficient to cover the costs of administering the provisions of this subdivision. The department may adopt rules, under RSA 541-A, to implement the provisions of this subdivision.

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes certain restrictions on the sale, labeling, and disposal of certain mercury-added products.

Rep. Musler spoke moved Recommit to committee.

Rep. Lynde spoke in favor.

Adopted.

Recommitted to Environment and Agriculture.

**SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. **REFER FOR INTERIM STUDY**

Rep. Maurice E. Goulet for Executive Departments and Administration: There was much discussion when this bill was examined in executive session. The initial motion brought forth was inexpedient to legislate. This motion was defeated 6-8. The issue of contention regarding this bill was the impact of an Article 28-A concern. Interim study was offered as an optional motion so that the committee can provide additional study to the impact of this constitutional situation. Vote 13-1. Adopted.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James MacKay for Health, Human Services and Elderly Affairs: This bill establishes a commission to review and approve locations for the provision of residential facilities for individuals with complex and significant disabilities who have engaged in behavior which endangers the community and also requires intensive therapeutic intervention and close supervision. It is anticipated that there will be two sites on publicly owned property. The bill also establishes an appropriation to establish the program and provide staff to provide services. Much of the bill is based on Chapter 171, which was passed when the Laconia State School was closed. Vote 13-1.

### Amendment (1970h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that a small number of individuals with complex diagnostic presentations such as individuals who have significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances and significant functional limitations engage in behavior that potentially endangers their communities. Intervention, treatment, and supervision are effective means of assisting such individuals while providing for the safety of the public. Extended periods of treatment may be required in order for such individuals to benefit from therapeutic programs due to their learning difficulties. The general court intends to provide these individuals with appropriate treatment so that they may gain the skills needed to live safely in a community setting.

2 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after subparagraph (g) the following new subparagraph:

(h) The guardian shall consider the security and protection of the community while ensuring that the ward who has a history of engaging in behavior which substantially endangers others receives appropriate care, treatment, and supervision.

3 Commission Established. There is established a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision.

#### 4 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The attorney general, or designee.

(d) One member of the New Hampshire Association of Chief's of Police, appointed by such association.

(e) The executive director of the Disabilities Rights Center Inc, or designee.

(f) Two public members, appointed by the governor.

(g) The commissioner of the department of corrections, or designee.

(h) A forensic specialist, appointed by the commissioner of the department of health and human services.

II. The legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

#### 5 Duties.

I. The commission shall receive recommendations from the department of health and human services of proposed program sites. Identification of publicly-owned property for such program sites shall be the first choice. The commission shall review the programs, services, and security provisions for each prospective program site, shall consult with representatives of the community in which a proposed program site is located, and shall give due consideration to local concerns. The commission shall conduct a public hearing in those communities where such a proposed site would be located. The department of health and human services shall make a presentation at each public hearing regarding the proposed program, including the number of individuals to be served and the staffing and security provisions incorporated into the proposed program.

II. Following consideration of the public input and information provided by the department of health and human services about the proposed programs, the commission shall approve at least 2 sites equitably distributed across the state to meet the needs of the state's population in rural as well as densely populated communities. Location of a program site in or near Berlin shall be encouraged. When reviewing sites, the commission shall consider the proximity of schools, child care programs, playgrounds and other locations where children gather. In addition, any proposed program site shall be in reasonable proximity of the community's general hospital and emergency services such as police, fire, and medical response.

III. The commission shall approve or deny a proposed site within 4 months.

#### 6 Chairperson; Support.

I. The chairperson of the commission shall be the attorney general, or designee. The first meeting of the commission shall be called by the attorney general, or designee. The first meeting shall be held within 45 days of the effective date of this section.

II. The department of health and human services shall provide any administrative support the commission deems necessary.

7 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D the following new chapter:

### CHAPTER 135-E SPECIALIZED TREATMENT PROGRAM

135-E:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

135-E:2 Specialized Treatment Program.

I. The department shall establish, subject to available state and federal appropriations, a specialized therapeutic program including secure residential care and community-based after-care treatment which is designed to meet the needs of individuals with significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community. Such programs shall be utilized when less restrictive alternatives do not provide adequate safety and security to the community.

II. One component of the program shall be designed specifically to meet the needs of young adults with serious emotional disturbance or significant learning disabilities who have been in placement through the department under RSA 169-B or RSA 169-C and who continue to need intensive treatment in order to receive the support and supervision they require until they achieve the full benefit of the treatment that has been initiated during their minority. A young adult who meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his or her guardian.

III. The department may, if necessary, request the appointment of a guardian as provided in RSA 464-A for an individual who may be legally incapacitated and who is determined to need a specialized treatment program established pursuant to this chapter.

IV. Individuals receiving treatment from a specialized treatment program established pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with developmental disabilities, except to the extent necessary for safety or security.

V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or transfer from the program.

135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Admission and discharge criteria for the program.

II. Program requirements.

III. The rights of individuals receiving treatment.

IV. Periodic review of each individual's treatment to determine if the individual is served in the least restrictive setting consistent with the safety and security of the community.

V. Quality assurance processes and criteria for the program.

VI. Any other matter necessary to the administration of this chapter.

8 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except [~~where safety or security mandates restriction of such rights~~] *to the extent necessary for safety or security*. Any restriction of rights under this section may be appealed to the commissioner pursuant to rules adopted by the commissioner under RSA 171-A:3.

9 Order of the Court. Amend RSA 171-B:12 to read as follows:

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to *the least restrictive alternative of the following alternatives consistent with the security and protection to the public*:

I. Treatment and services in a receiving facility within the state developmental services delivery system *or the residential settings specified in RSA 135-E:2*;

II. Treatment and services within the state developmental services delivery system *pursuant to RSA 171-A:4* other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

10 Appropriation. The sum of \$436,923 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of health and human services for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

The bill establishes a commission to review possible sites for the provision of specialized treatment for certain individuals. The bill requires the department of health and human services to establish the specialized treatment program, subject to available appropriations. The bill makes an appropriation for the purposes of the bill.

Adopted.

Report adopted.

Referred to Finance.

**CACR 16**, relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter.  
**INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: No bill before this committee during the past session received greater consideration than CACR 16. A subcommittee heard three days of public testimony before voting 3-2 to recommend establishing renewable 10-year term limits for all members of the judiciary appointed after January 1, 2003. Extensive discussion by the full committee on this proposal plus a second alternative resulted in four separate committee votes (including a 9-9 tie on the alternative plan) before the final 13-5 vote to ITL the original Senate bill. The Senate bill was killed because (a) it lumped together in one constitutional question the two distinctly separate issues of Judicial Selection and Judicial Retention/Renewal, which some members objected to, (b) it placed the Judicial Selection process in the Constitution, which some members opposed, and/or (c) it altered the current constitutional requirement that judges shall "hold their offices during good behavior" (Part 2, Article 73), which some members opposed. Vote 13-5.

Rep. Soltani spoke against and yielded to questions.

Reps. John Pratt and Jacobson spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 196 NAYS 162

### YEAS 196

#### BELKNAP

Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Rice, Thomas Jr	Wood, Jane		

#### CARROLL

Babson, David Jr	Lyman, L Randy
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#### CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

#### COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Rodrigue, Robert		

#### GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha

#### HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Bellavance, Paul
Bergin, Peter	Bouchard, David	Carlson, Donald	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gargasch, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Greenberg, Gary	Hall, Betty	Hall, Charles
Jean, Claudette	Johnson, Lionel	Kacavas, John	Konys, Christine

Kurk, Neal  
Leach, Edward  
Mercer, Robert  
O'Connell, Timothy  
Sargent, Maxwell  
Wheeler, Robert

L'Heureux, Robert  
Lynde, Harold  
Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
White, John

LaRose, Richard  
McDonough-Wallace, Alice  
Movsesian, Lori  
Peterson, Andrew  
Spiess, Paul

Lasky, Bette  
Melcher, Harold  
Murphy, Robert  
Rowe, Robert  
Sweeney, Cynthia

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Fraser, Marilyn  
Hager, Elizabeth  
MacKay, James  
Perkins, Randy  
Wallner, Mary Jane

Bouchard, Candace  
Cummings, Raymond  
French, Barbara  
Hess, David  
Maxfield, Roy  
Potter, Frances

Brewster, Richard  
Daneault, Gabriel  
Gile, Mary  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth

Clarke, Claire  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
Case, Margaret  
DiFruscia, Anthony  
Gleason, John  
Katsakiores, George  
McGuire, Robert  
Pantelakos, Laura  
Shultis, Elizabeth  
Stritch, C Donald

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dowling, Patricia  
Holland, James Jr  
Katsakiores, Phyllis  
Morse, Charles  
Pitts, Jacqueline  
Sloan, Stephen  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Downing, Michael  
Johnson, Robert  
Kelley, Jane  
Norelli, Terie  
Robertson, Carl  
Splaine, James  
Whittier, John

Carson, Sharon  
Cooney, Richard  
Francoeur, Sheila  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Sapareto, Frank  
Stone, Joseph  
Zolla, William

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

Brennan, William  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Heon, Richard  
Knowles, William  
Reid, Christopher  
Spang, Judith

### SULLIVAN

Allison, David  
Harris, Joseph  
Phinizy, James

Burling, Peter  
Harris, Sandra  
Robb, Amy

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Leone, Richard

### NAYS 162

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Salatiello, Thomas

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John

Czech, Stanley  
Rosen, Ralph  
Wendelboe, Fran

Dewhirst, Glenn  
Russell, David

### CARROLL

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

### CHESHIRE

Avery, Stephen  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

### COOS

Gallus, John  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Rozek, Michael

Stohl, Eric

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Alukonis, David	Artz, Lawrence	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Christensen, D L Chris	Clayton, William
Desrosiers, William	Dionne, David	Dionne, Kimberley	Elliott, Larry
Fields, Dennis	Flora, Kathleen	Furman, Christine	Gleneck, David
Graham, John	Guinta, Frank	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Keye, Harvey	LaFlamme, Paul
Lefebvre, Roland	Martel, Andre	McHugh, Claire	McRae, Karen
Milligan, Robert	Moran, Edward	Palangas, Eric	Pappas, Marc
Pepino, Leo	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
White, Donald			

**MERRIMACK**

Dunne, Christopher	Feuerstein, Martin	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Seldin, Gloria	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Chalbeck, Kevin	Clark, Vivian	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Ruffner, Walter	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Ferland, Paul
Gilmore, Gary	Harrington, Michael	McCarthy, Gerald	Musler, George
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Franklin, Peter	Odell, Bob
Adopted.	

**HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: The committee agreed that since there are ongoing discussions between the courts and Hillsborough County it is in the best interest to keep this legislation open until there is resolution by negotiation. Vote 13-1.

**Amendment (1949h)**

Amend the bill by replacing section 6 with the following:

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

Adopted.

The question being the adoption of the committee report.

**LAI D ON THE TABLE**

Rep. Edwin Smith moved that **HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location, be laid on the table.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill is based upon a significant study the New Hampshire Department of Environmental Services (DES) released early in 2001 that detailed the impacts of pollution from electric generating plants that primarily burn coal and indicated a need for further controls on those emissions. At the first public hearing most environmental groups said the bill was a good first step but needed to be strengthened. Public Service of New Hampshire (PSNH) was neutral, and national coal interests and the towns of Bow and Newington, where facilities are located, opposed the bill. The committee retained the bill, held work sessions, and then several members negotiated the compromise amendment that is supported by PSNH, Audubon Society of NH, Society for Protection of NH Forests, NH Lung Association, Environmental Voters of NH, and NH Lakes Association. A public hearing was held on the amendment. Other environmental groups want stronger provisions, coal interests remained opposed, and Bow and Newington support the amendment. Originally the bill sought reductions of 70% nitrogen-oxides (smog), 75% sulfur (acid rain), 10% carbon dioxide, and 75% mercury by the end of 2007. Under the proposed amendment, the caps for sulfur and nitrogen remain unchanged and the carbon-dioxide cap is a 3% reduction. A mercury cap will be the subject of future legislation after tests are conducted and the current levels of mercury emissions determined. PSNH and DES both estimate the compliance costs of the amendment are in the \$5 million range annually. The effective date of the amendment (a year earlier than the original bill) is December 31, 2006, which means there will be no costs to customers until that point. Should PSNH sell the generating plants after February 2004 (when current law allows the plants to be sold) the legislation might have the effect of minimally decreasing the plant's value. PSNH testified that greater certainty that the bill provides regarding future regulation would help preserve the plant's value. The sale price of the plants would not directly affect rates; rather any negative effect on the sale price of the plants could possibly lengthen the time over which stranded costs are recovered without increasing the actual stranded cost charge. If PSNH still owns the plants in 2007 the \$5 million cost would be recoverable in rates and have an impact of about 40 cents per month on an average 500 kilowatt-hour bill. The amendment contains provisions for emissions trading which allows PSNH to make on-site emissions reductions or to purchase emissions reductions from other facilities that have surplus reductions. Emissions trading allow markets to establish the most cost-effective way to reduce pollution. Inclusion of this component was essential in gaining PSNH's support for the bill. Without emissions trading it is unlikely that PSNH could meet the proposed emissions limits and operate the plants. This would have the effect of driving up the price of electricity in NH and reducing energy diversity regionally. Mercury trading will be an issue for future legislation as it is neither promoted nor prohibited in this amendment. The amendment contains several incentives for PSNH to reduce emissions locally and to purchase emissions reductions as needed from nearby upwind states. DES and EPA data indicate that the majority of air pollution in NH comes from upwind states so an incentive for trading from nearby up-wind states will improve NH air quality. Additionally the bill allows PSNH to choose to comply by spending additional money on energy efficiency programs. While some argue that energy efficiency programs do not achieve the same pollution reduction as on-site controls or emissions trading, the committee recognizes that energy efficiency does lead to environmental improvement over time and also allows customers greater options in reducing demand for electricity which in turn lowers bills. The energy efficiency component of the amendment was essential in getting the backing of the environmental supporters and PSNH. The amendment also insures that any new pollution control programs DES might propose would need future legislative approval. PSNH has spent \$100 million in the last decade to significantly lower emission levels of nitrogen, sulfur, and particulate matter. This amendment represents further progress in reducing these emissions. The committee believes the future cost of compliance with this amendment is reasonable and that energy diversity and energy security are maintained as the plants will be able to continue to operate as environmental progress is made. Vote 15-0.

**Amendment (1992h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that the economic interests of ratepayers will be best served through the flexible implementation of an integrated, multi-pollutant emission reduction strategy as electric industry deregulation proceeds in New Hampshire. The advance knowledge of the requirements of this act, and a flexible regulatory approach used to implement them, will reduce uncertainty and risk for prospective buyers of Public Service of New Hampshire's existing fossil fuel burning steam electric power plants, thus enhancing their value at divestiture. Providing prospective buyers a significant time period in which to recover their investment will also enhance the divestiture value of these facilities. Combined, these factors will maximize recovery from the divested power plant assets, correspondingly reduce the stranded costs that must be paid over time by ratepayers, and thus allow electric rates to decline further or faster than they would otherwise.

2 New Chapter; Multiple Pollutant Reduction Program. Amend RSA by inserting after chapter 125-N the following new chapter:

**CHAPTER 125-O****MULTIPLE POLLUTANT REDUCTION PROGRAM****125-O:1 Findings and Purpose.**

I. The general court finds that while air quality has improved in recent years, scientific advances have demonstrated that adequate protection of public health, environmental quality, and economic well-being – the 3 cornerstones of New Hampshire's quality of life – requires additional, concerted reductions in air pollutant emissions. The general court also finds that the state's tradition of environmental leadership – setting an example for similarly feasible air pollution reductions from upwind jurisdictions – is also well served by additional emission reductions.

II. Recent studies and scientific evidence, documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services, indicates that significant negative human health and ecosystem impacts continue to be caused by air pollution. The general court finds that the substantial quantities of several harmful air pollutants that continue to be emitted from existing fossil fuel burning steam electric power plants, despite recent reductions in the emission of certain air pollutants from some of these facilities, contribute to these harmful impacts and that additional emissions reductions from these sources are warranted.

III. Specifically, the general court finds that aggressive further reductions in emissions of sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), mercury, and carbon dioxide (CO<sub>2</sub>) must be pursued. These pollutants are primarily responsible for the human health and ecosystem impacts documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services.

IV. The general court finds that, as demonstrated by recent analyses, a high quality-of-life environment has been, and will continue to be, essential to New Hampshire's economic well-being. The general court further finds that protecting New Hampshire's high quality-of-life environment by reducing air pollutant emissions returns substantial economic benefit to the state through avoided health care costs; greater tourism resulting from healthier lakes and improved vistas; more visits by fishermen, hunters, and wildlife viewers to wildlife ecosystems, and a more productive forest and agricultural sector.

V. For the above reasons and others, the general court finds that substantial additional reductions in emissions of SO<sub>2</sub>, NO<sub>x</sub>, mercury, and CO<sub>2</sub> must be required of New Hampshire's existing fossil fuel burning steam electric power plants. Due to the collateral benefits and economies of scale associated with reducing multiple pollutant emissions at the same time, the general court finds that such aggressive emission reductions are both feasible and cost-effective if implemented simultaneously through a comprehensive, integrated power plant strategy.

VI. The general court also finds that the environmental benefits of air pollutant reductions can be most cost-effectively achieved if implemented in a fashion that allows for regulatory and compliance flexibility under a strictly limited overall emissions cap. Specifically, market-based approaches, such as trading and banking of emission reductions within a cap-and-trade system, allow sources to choose the most cost-effective ways to comply with established emission reduction re-



quirements. This approach also provides sources with an incentive to reduce air pollutant emissions sooner and by greater amounts, promotes the development and use of innovative new emission control technologies, and specifies to the greatest extent possible performance results regarding environmental improvement rather than dictating expensive, facility-specific, command-and-control regulatory requirements. The general court acknowledges that future federal regulations may mandate some facility-specific requirements regarding mercury reductions.

VII. The general court also finds that energy conservation results in direct reductions in air pollutant emissions. Thus, incentives for energy conservation are an important component of an overall clean power strategy. The general court recognizes that energy conservation expenditures made by utilities using system benefits charge funds can benefit all citizens and ratepayers.

125-O:2 Definitions. In this chapter:

I. "Affected sources" means existing fossil fuel burning steam electric power plant units in this state, specifically Merrimack Units 1 and 2 in Bow; Schiller Units 4, 5, and 6 in Portsmouth; and Newington Unit 1 in Newington, excluding any of these units that may be repowered.

II. "Allowance" means a limited authorization to emit one ton of SO<sub>2</sub>, one ton of NO<sub>x</sub>, one pound of mercury, or one ton of CO<sub>2</sub> during a specified year.

III. "Commissioner" means the commissioner of the department of environmental services.

IV. "Department" means the department of environmental services.

V. "Discrete emission reduction" or "DER" means an emission reduction generated over a discrete period of time, and measured in weight (e.g., tons).

VI. "Ozone transport region" means the ozone transport region as established by section 184(a) of the Clean Air Act, 42 U.S.C. section 7511c.

VII. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

VIII. "Renewable energy" means energy derived from hydro, geothermal, wind, solar thermal, photovoltaic, biomass, methane waste, tidal, or other source approved by the department.

IX. "Repowered unit" means an affected source that has installed qualifying repowering technology as defined by 40 C.F.R. part 72, or has replaced a unit by a new unit, provided the new replacement unit:

(a) Is on the same or contiguous property as the replaced unit, regardless of owner;

(b) Has a maximum power output rate equal to or greater than the maximum power output rate of the replaced unit; and

(c) Is designed to control, or is equipped with best available technology to control, emissions of multiple pollutants simultaneously, and in conformity with the emissions rates and reductions used to establish RSA 125-O:3.

X. "System benefits charge funds" or "SBC funds" means revenues collected by Public Service Company of New Hampshire (PSNH) (currently at a rate of 1.8 mills (\$0.0018) per retail kilowatt-hour sold as set by the general court in 2001, 29:14) to fund energy efficiency and conservation and load management programs approved by the public utilities commission.

125-O:3 Integrated Power Plant Strategy.

I. The department shall implement an integrated, multi-pollutant strategy to reduce air emissions from affected sources.

II. The integrated, multi-pollutant strategy shall be implemented in a market-based fashion that allows trading and banking of emission reductions to comply with the overall statewide annual emission caps established under RSA 125-O:3, III. Allowances, up to the amount of these caps, shall be allocated to each affected source based on the output of each affected source. The department shall make publicly available all allocations prior to the effective date of such allocations.

III. The strategy shall include implementation of the following statewide annual emissions caps:

(a) 7,289 tons annually applicable to total sulfur dioxide (SO<sub>2</sub>) emissions from the affected sources;

(b) 3,644 tons annually applicable to total oxides of nitrogen (NO<sub>x</sub>) emissions from the affected sources;

(c) An annual cap applicable to total mercury emissions from all affected sources burning coal as a fuel, to be recommended by the department not more than 60 days following the U.S. Environmental Protection Agency's proposed regulation establishing a Maximum Achievable Con-

trol Technology (MACT) standard for mercury emissions from utility boilers, but in no case later than March 31, 2004, with timely consideration by the legislature expected by July 1, 2005; and

(d) 5,425,866 tons annually applicable to total carbon dioxide (CO<sub>2</sub>) emissions from the affected sources until December 31, 2010, and after December 31, 2010, a lower cap to be recommended by the department no later than March 31, 2004, with timely consideration by the legislature expected by July 1, 2005.

125-O:4 Compliance.

I. The owner or operator of each affected source shall file a compliance plan with the department describing the technologies, operational modifications, market-based approaches, or other methods that will be used to comply with the emission caps established under RSA 125-O:3, III. Compliance plans shall also include a report of the mercury content analysis program results required under RSA 125-O:4, II and a report of the stack testing results for mercury emissions from Merrimack Units 1 and 2 and either Schiller Unit 4, 5, or 6 required under RSA 125-O:4, III. An initial compliance plan shall be filed no later than one year after the effective date of this section. Amended compliance plans shall be submitted to the department 45 days prior to the implementation of any change to the plan.

II. The owner or operator of each affected source burning coal as fuel shall conduct a mercury content analysis program. This program shall consist of monthly fuel samples and analyses for at least 12 consecutive months and the submittal of a final report to the department no later than one year after the effective date of this section.

III. Stack testing for mercury emissions from Merrimack Units 1 and 2 and either Schiller Unit 4, 5, or 6 shall be completed using a department approved test method no later than one year after the effective date of this section. The owner or operator shall submit a test protocol to the department at least 45 days prior to the commencement of stack testing.

IV. Compliance with the emission caps established under RSA 125-O:3, III may be demonstrated by making emission reductions at the affected sources, using compliance market-based approaches, or other methods acceptable to the department.

(a)(1) Affected sources may use SO<sub>2</sub> allowances from federal or regional trading and banking programs and incentive programs established under this chapter to comply with the SO<sub>2</sub> emission cap established under RSA 125-O:3, III. In addition, allowances or credits from other programs may be acceptable as determined by the department.

(2) Affected sources shall transfer to the department all annual allocations provided under the federal acid rain program. Affected sources shall receive from the department SO<sub>2</sub> allowances equivalent to the cap established in RSA 125-O:3, III. Additionally, in order to promote local reductions, for each year after the compliance date that combined SO<sub>2</sub> emissions from affected sources are below the annual average emissions for the previous 3 years, affected sources shall receive additional SO<sub>2</sub> allowances in a combined amount equal to the difference between the current year emissions and the average annual emissions for the previous 3 years.

(3) Further, in order to encourage reductions in upwind emissions and thereby provide greater benefit to air quality in New Hampshire, for each 0.80 allowance purchased by an affected source under the federal acid rain program and utilized for compliance with the provisions of this chapter which originates from within the ozone transport region, the affected source shall receive an additional 0.20 allowance from the department.

(4) The combined sum of all allowances received by the affected sources under subparagraphs (a)(2) and (a)(3) shall not exceed 20,000 in any given year, and shall be credited to the affected sources' accounts in the year following each annual compliance period.

(b) Affected sources may use NO<sub>x</sub> allowances from federal or regional trading and banking programs, or other programs acceptable to the department, and NO<sub>x</sub> discrete emissions reductions by affected sources other than Merrimack Units 1 and 2 from state trading and banking programs, to comply with the NO<sub>x</sub> emission cap established under RSA 125-O:3, III. NO<sub>x</sub> discrete emissions reductions may only be used to comply with that portion of the NO<sub>x</sub> emission cap established under RSA 125-O:3, III which does not apply to emissions between May 1 and September 30 of any calendar year.

(c) Affected sources may use CO<sub>2</sub> allowances from federal or regional trading and banking programs, or other programs acceptable to the department, to comply with the CO<sub>2</sub> emission cap established under RSA 125-O:3, III. Early reductions of CO<sub>2</sub> may be banked for future use in regional or national trading programs or to meet the emission caps established under RSA 125-O:3, III.

(d) Future mercury allowances or other emissions reduction units or mechanisms secured from other sources shall only be acceptable in meeting that portion of the emission cap established under RSA 125-O:3, III, (c) that is more stringent than federal requirements. Early reductions of mercury may be banked for future use or to meet the mercury emission cap established under RSA 125-O:3, III.

V. The owner or operator of each affected source shall be allowed to recover all prudent costs associated with compliance in a manner consistent with RSA 374-F, RSA 369-B, and the Agreement to Settle PSNH Restructuring, dated August 2, 1999, Revised and Conformed in Compliance with NHPUC Order No. 23,549.

125-O:5 Energy Efficiency, Renewable Energy, and Conservation and Load Management Incentive.

I. In order to encourage energy efficiency, energy conservation, renewable energy, and the reductions in local emissions which result, the integrated multi-pollutant strategy shall promote energy efficiency and conservation through conservation and load management programs.

II. Public Service Company of New Hampshire (PSNH) may utilize SBC funds equivalent to the unencumbered amount, if any, rolled over from the prior program year for energy efficiency projects at facilities owned and operated by PSNH, provided that the company made a good faith effort in the prior program year to meet the goals approved by the public utilities commission for its core energy efficiency programs, and provided that the SBC funds used by PSNH shall not exceed 2 percent of all SBC funds collected in the prior program year. PSNH may utilize these funds to implement approved core energy efficiency initiatives or measures at PSNH's facilities that are cost effective and which enhance the efficient use of energy at PSNH facilities. Any energy savings resulting from the use of these funds by PSNH at its facilities will not be included in the calculation of PSNH's energy efficiency program goals, any shareholder incentive, or any other incentive program. In any year that PSNH utilizes SBC funds, PSNH shall submit a report to the public utilities commission and the department detailing how these funds were utilized, and will make the report available to interested parties. Any party may request that the public utilities commission schedule a hearing to review these reports and the expenditure by PSNH of rolled over SBC funds at its facilities.

III. For expenditures made by PSNH independent of SBC funds for energy efficiency, new renewable energy projects, or conservation and load management, the department shall provide emissions allowances to PSNH equivalent to the amount of such allowances that could have been purchased at market prices by the same dollar amount as the expenditure made. Such expenditures shall be consistent with the core energy efficiency programs approved by the Public Utilities Commission or other programs acceptable to the department and shall, to the greatest extent practicable, result in immediate, demonstrable energy improvements.

125-O:6 Powers and Duties of the Commissioner. The commissioner may:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

II. Propose to the general court for legislative enactment a program to reduce emissions that impair visibility in mandatory Class I Federal Areas, including the Great Gulf Wilderness Area and the Presidential-Dry River Wilderness, if evaluation and assessment of the program established under 125-O:6, I reveals after its implementation that further reductions of emissions that impair visibility are necessary. Any program proposed under this paragraph shall be at least as stringent as that specified in the Clean Air Act, amendments thereto, and regulations promulgated thereunder.

III. Propose to the general court for legislative enactment appropriate processes to encourage pollution prevention, energy efficiency, and other methods to cost-effectively achieve emissions reductions.

125-O:7 Enforcement.

I. Any violation of any provision of this chapter, or of any rule adopted under this chapter, shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application of the attorney general. Any such violation shall also be subject to a civil forfeiture to the state of not more than \$25,000 for each violation, and for each day of a continuing violation.

II. Any person who knowingly violates any of the provisions of this chapter, or any rule adopted under this chapter, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

III. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than \$100 and not more than \$1,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,501 and not more than \$2,000.

(c) The commissioner may assess additional fines for repeat violations.

125-O:8 Rulemaking Authority. The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

I. The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

II. The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

III. Emissions monitoring, recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter by December 31, 2006.

125-O:10 Non-Severability. No provision of this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy or this chapter in its entirety, and to this end, the provisions of this chapter are not severable.

3 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

This bill establishes caps for emissions of sulfur dioxide, oxides of nitrogen, and carbon dioxide by existing fossil fuel burning steam electric power plants. This bill permits the banking and trading of emissions reductions to achieve compliance with the caps. Compliance is not required of a plant that installs qualifying repowering technology or an eligible replacement unit.

Adopted.

Report adopted and ordered to third reading.

#### **HB 695, relative to net energy metering. INEXPEDIENT TO LEGISLATE**

Rep. William W. Gabler for Science, Technology and Energy: In an effort to redefine the list of technologies that qualify for net metering, this bill seeks to add fuel cells to that list and to modify the rules for net energy measurement regarding the carrying forward of excess credit from one billing cycle to the next. Inclusion of fuel cells as eligible generating equipment would not be in keeping

with the stated purpose of the Limited Electrical Energy Producers Act. Specifically, the electrical output of fuel cells is not limited and cyclical in nature, nor do they use indigenous or renewable fuels. With regard to carrying forward excess credit, the Public Utilities Commission testified and provided documentation to the fact that this is already current practice. Vote 14-1.  
Adopted.

### **HB 755, relative to groundwater contamination and gasoline sampling. INEXPEDIENT TO LEGISLATE**

Rep. Donald B. White for Science, Technology and Energy: The committee felt the aim of this bill was commendable but not necessary at this time for several reasons. Legislation passed in 2000 required the Department of Environmental Services (DES) to sample the MtBE content of gasoline in the six northern and western counties of the state where a high content of MtBE is not mandatory. Further sampling would not likely reveal new information. DES testified that groundwater sampling is unlikely to reveal information substantially different from similar studies conducted in Maine and that the money that would be needed to conduct such testing would be better spent on remediation and prevention. It should also be noted that HB 758 became law last spring. That bill required DES to opt-out of the federal reformulated gas program by January 2004 and to submit all necessary documentation to the EPA to seek the waiver from this program. That bill also established a separate fund to remediate groundwater contaminated by MtBE. By early December DES will have completed the process of submitting the necessary paperwork to the EPA for the opt-out waiver from the reformulated gas program and will await a response from the EPA. This submittal includes an interim rule recently adopted by DES that would allow much lower MtBE content for reformulated gasoline once the federal opt-out waiver is received. An identical permanent rule should be finalized by March. Despite these efforts, the critical ingredient for fully and finally removing MtBE from gasoline in NH remains a change in federal law that would allow states flexibility in determining the chemical content of gasoline. Under current federal law that flexibility does not now exist. Senator Smith is once again working to pass such federal legislation. Vote 15-1.  
Adopted.

### **HB 660, relative to out-of-home placements in juvenile abuse and neglect cases. OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: Removing children from their home creates instability and separation anxiety which can last for years. This damage can be far worse than the alleged abuse and is particularly troubling when no abuse has occurred. Therefore, this bill raises the level of proof required before a child is removed and kept out of its home from "probable cause to believe" to "clear and convincing evidence". Vote 14-2.

#### **Amendment (2035h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the burden of proof in juvenile abuse and neglect cases.

Amend the bill by replacing all after the enacting clause with the following:

1 Child Protection Act; Definition of Founded Report; Probable Cause Replaced With Clear and Convincing Evidence. Amend RSA 169-C:3, XIII-a to read as follows:

XIII-a. "Founded report" means a report made pursuant to this chapter for which the department finds ~~[probable cause to believe]~~ **by clear and convincing evidence** that the child who is the subject of such report is abused or neglected.

2 Child Protection Act; Definition of Unfounded Report; Probable Cause Replaced With Clear and Convincing Evidence. Amend RSA 169-C:3, XXVIII to read as follows:

XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the department finds that there is no ~~[probable cause to believe]~~ **clear and convincing evidence** that the child is abused or neglected.

3 Child Protection Act; Emergency Interim Relief; Burden of Proof for Ex Parte Orders. Amend RSA 169-C:6-a, III to read as follows:

III. If the court finds ~~[reasonable cause to believe]~~ **by clear and convincing evidence** that the child is in such circumstances or surroundings as would present an imminent danger to the child's health or life, the court shall issue such ex parte orders as are necessary to protect the child and shall set the matter for hearing no later than 10 days from the date of the ex parte orders.

4 Child Protection Act; Burden of Proof. Amend RSA 169-C:13 to read as follows:

169-C:13 Burden of Proof. The petitioner has the burden to prove the allegations in support of the petition by ~~[a preponderance of the]~~ **clear and convincing** evidence.

5 Child Protection Act; Preliminary Hearing; Burden of Proof at Preliminary Hearing. Amend RSA 169-C:15, I to read as follows:

I. After an ex parte order is issued or petition filed, a preliminary hearing shall be conducted by the court to determine if ~~[reasonable cause exists to believe]~~ **there is clear and convincing evidence** that the child is abused or neglected.

6 Child Protection Act; Reporting Law; Duties of the Department of Health and Human Services; Burden of Proof Changed. Amend RSA 169-C:34, II to read as follows:

II. For each report it receives, the department shall promptly perform a child protective investigation to: (i) determine the composition of the family or household, including the name, address, age, sex and race of each child named in the report, and any siblings or other children in the same household or in the care of the same adults, the parents or other persons responsible for their welfare, and any other adults in the same household; (ii) determine whether there is ~~[probable cause to believe]~~ **clear and convincing evidence** that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse or neglect, and any evidence thereof, and a determination of the person or persons apparently responsible for the abuse or neglect; (iii) determine the immediate and long-term risk to each child if the child remains in the existing home environment; and (iv) determine the protective treatment, and ameliorative services that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children.

7 Repeal. RSA 169-C:3, XXIII, relative to the definition of probable cause, is repealed.

8 Effective Date. This act shall take effect 60 days after its passage.

This bill:

I. Raises the burden of proof in juvenile abuse and neglect cases from a preponderance of the evidence to clear and convincing evidence.

II. Defines a founded report of child abuse as a report in which the department of health and human services determines by clear and convincing evidence (rather than probable cause) that the child is abused or neglected.

III. Requires a finding of imminent danger by clear and convincing evidence (rather than reasonable cause) prior to issuing an ex parte order or emergency interim relief in abuse and neglect cases.

IV. Requires at the preliminary hearing that the court determine by clear and convincing evidence (rather than reasonable cause) that the child is abused or neglected.

Rep. Dowling moved Recommit to committee.

Adopted.

Recommitted to Children and Family Law.

**HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The unanimous vote of the committee is Inexpedient to Legislate. Among the more compelling arguments against issuance of a lifetime permit are the changes brought by life circumstances. Periodic (four year) licensing permits a review to determine the continuing stability of the individual to obtain a license to carry a pistol or revolver. Vote 16-0.

Rep. Wendelboe spoke against and yielded to questions.

Rep. David Welch spoke in favor and yielded to questions.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 284 NAYS 76**

**YEAS 284**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Johnson, William  
Salatiello, Thomas

Dewhirst, Glenn  
Millham, Alida  
Thomas, John

Flanders, Donald  
Nedeau, Stephen  
Wood, Jane

**CARROLL**

Bradley, Jeb  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Liebl, George  
Mitchell, McKim  
Roberts, William  
Weed, Charles

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Zerba, Roger

Batchelder, Robert  
Emerson, Susan  
McGuirk, Paul  
Pratt, John  
Slack, Pamela Russell

Burnham, Daniel  
Espiefs, Peter  
Meador, David  
Richardson, Barbara  
Smith, Edwin

**COOS**

Bradley, Paula  
Mears, Edgar  
Tholl, John Jr

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Stohl, Eric

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Lovett, Sid  
Pawlek, Marion  
Solow, Martha

Alger, John  
Dudley, Terri  
Marshall, Gene  
Scanlan, David

Almy, Susan  
Gabler, William  
Naro, Debra  
Scovner, Nancy

Benn, Bernard  
Ham, Bonnie  
Nordgren, Sharon  
Sokol, Hilda

**HILLSBOROUGH**

Alukonis, David  
Bellavance, Paul  
Brundige, Robert  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Dyer, Merton  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Keye, Harvey  
LaFlamme, Paul  
Lynde, Harold  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

Andosca, Mary  
Bergin, Peter  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Eaton, Richard  
Flora, Kathleen  
Gargas, Carolyn  
Gorman, Mary  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
McDonough-Wallace, Alice  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Spiess, Paul  
Tate, Joan  
White, John

Baroody, Benjamin  
Bouchard, David  
Calawa, Leon Jr  
Cote, David  
Dionne, David  
Drisko, Richard  
Emerton, Lawrence Sr  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Melcher, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Rowe, Robert  
Sullivan, Peter  
Thulander, O Alan

Batula, Peter  
Bragdon, Peter  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Fields, Dennis  
Foster, Linda  
Golding, William  
Graham, John  
Hall, Charles  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Sargent, Maxwell  
Sweeney, Cynthia  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Dunne, Christopher  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Greco, Vincent  
Kennedy, Richard  
MacKay, James  
Perkins, Randy  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Swindlehurst, John

Clarke, Claire  
Davis, Frank  
French, Barbara  
Hess, David  
Leber, William  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet  
Bowles, Raimond

Belanger, Ronald  
Carson, Sharon

Bishop, Franklin  
Case, Margaret

Blanchard, MaryAnn  
Clark, Martha Fuller

Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Rausch, James  
Shultis, Elizabeth  
Stritch, C Donald  
Whittier, John

Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Moore, Benjamin  
O'Keefe, Patricia  
Power, Lucille  
Robertson, Carl  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Kane, Cecelia  
Kobel, Rudolph  
McGuire, Robert  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne

Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Norelli, Terie  
Pantelakos, Laura  
Putnam, Ed II  
Sapareto, Frank  
Stone, Joseph  
Welch, David

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Cossette, Larry  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

**SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

**NAYS 76**

**BELKNAP**

Boyce, Laurie  
Wendelboe, Fran

Lawton, David

Rice, Thomas Jr

Rosen, Ralph

**CARROLL**

Babson, David Jr  
Torresen, Gary

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

**CHESHIRE**

Fairbanks, Chandler

Hunt, John

**COOS**

Gallus, John

Rozek, Michael

Woodward, David

**GRAFTON**

Barker, Robert  
Mirski, Paul

Cobb, John  
Sova, Charles

Gilman, G Michael  
Ward, Brien

Giuda, Robert  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Bergeron, Jean-Guy  
Desrosiers, William  
Hopper, Gary  
McHugh, Claire  
Souza, Kathleen

Arnold, Thomas Jr  
Bruno, Pierre  
Elliott, Larry  
Jean, Loren  
McRae, Karen  
Thompson, Rob

Artz, Lawrence  
Carlson, Donald  
Gleneck, David  
Lefebvre, Roland  
Moran, Edward  
White, Donald

Balboni, Michael  
Christiansen, Lars  
Herman, Keith  
Martel, Andre  
Salts, Greg

**MERRIMACK**

Langer, Ray

Soltani, Tony

Whalley, Michael

Winter, Steven



**ROCKINGHAM**

Bridle, Russell  
Corbin, Corey  
Holland, James Jr  
Johnson, Rogers  
Quandt, Marshall  
Weyler, Kenneth

Camm, Kevin  
Dumaine, Dudley  
Hutchinson, Karen  
Kelley, William  
Quandt, Matthew

Chalbeck, Kevin  
Giordano, Ronald  
Introne, Robert  
Letourneau, Robert  
Reardon, Neil

Clark, Vivian  
Hill, Jonathan  
Itse, Daniel  
Packard, Sherman  
Trueman, Raymond

**STRAFFORD**

Albert, Russell  
Woods, Phyllis

Bickford, David

Harrington, Michael

Twombly, James

**SULLIVAN**

None

Adopted.

**HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: The bill is being recommended for interim study because the committee believes it needs more time to work on these issues. Vote 17-0.

Rep. Babson moved Recommit to committee.

Adopted.

Recommitted to Environment and Agriculture.

**HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: The bill is being recommended for interim study because the committee believes it needs more time to work on these issues. Vote 18-0.

Rep. Babson moved Recommit to committee.

Adopted.

Recommitted to Environment and Agriculture.

**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have placed the burden of medical expense and resulting disability expense on the retirement system in cases of "injury" or "personal injury" to include a mental injury resulting from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by an employer. Vote 14-0.

Rep. Petersen moved Recommit to committee.

Adopted.

Recommitted to Executive Departments and Administration.

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow creditable service in group I and group II to be combined to meet the minimum requirements of the health insurance subsidy provided to retired members. The bill would also provide additional benefits to divorced or widowed retirees who have dependent children. The bill would cost \$6,648,000 to terminally fund from the special account and require \$80,000 from the retirement to establish the data base and a yearly cost of \$30,000 each year for maintenance of the data base. If a member had spent most of their time in group II, then transferred to group I, all of the cost would come from the appropriate group I medical sub trust while most of the contributions were made to the group II sub trust. With the cost and complexity of the withdrawal of the funds for the individual from the various medical sub trusts, the committee voted to present this bill as inexpedient to legislate. Vote 13-0.

Rep. Petersen moved Recommit to committee.

Adopted.

Recommitted to Executive Departments and Administration.

**HB 757, establishing an early literacy and reading improvement initiative. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment changes the financing but not the policy of the bill. Instead of appropriating millions of dollars for programs yet to be selected, the amendment appropriates \$485,349 in general funds for the Department of Education for the period ending June 30, 2003. These funds are to be used (a) to develop end-of-grade-3 reading tests already required by statute and (b) to investigate and select research-proven programs to effect the early literacy and reading improvement initiative established by the bill. The selected programs cannot be implemented until the next biennium, so funding for them would best be included in the next biennial budget. Vote 20-0.

**Amendment (1928h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing an early literacy and reading improvement program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

**CHAPTER 193-G**

**EARLY LITERACY AND READING IMPROVEMENT**

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate public elementary and secondary education, it is essential that by the end of grade 3 virtually every child is reading independently at grade level. Therefore, the general court enacts a program of professional development and support for those who impact the child's reading skill: parents and early child care providers who prepare young children for reading, and primary school teachers.

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.
- IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.
- V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.
- VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.
- VII. "Early childhood specialist" means an experienced teacher who, by virtue of specialized training, appropriate experience, and demonstrated success, has the knowledge and skills necessary to provide early learning and reading assistance to other individuals.
- VIII. "Primary caregivers" means parents, guardians, or others with primary responsibility for the child.

193-G:3 Comprehensive Early Literacy and Reading Improvement Program; Policy. It shall be the policy of this state to provide outcome-proven programs of support and education to primary caregivers, early child care providers, and primary school teachers and administrators that shape the language and literacy development of children through a comprehensive, coordinated, early literacy and reading improvement program which shall:

I. Provide primary caregivers with an outcome-proven program of information and support including the key elements of the young child's developing early literacy knowledge and skills.

II. Provide to early childhood providers:

(a) An outcome-proven program of instruction and support in the developing literacy of pre-school children delivered by early childhood specialists.

(b) Scholarships to participate in college credit courses in the development of early literacy in pre-school children.

III. Provide primary school teachers and administrators with structured, outcome-proven, school-wide professional development in reading instruction through the use of intensive summer institutes, regional meetings, and reading specialists who will provide follow-up activities and continuous technical assistance during the school year. Participating teachers will receive training and materials to implement baseline and checkpoint reading assessments on an individual basis in grades 1 and 2.

IV. Involve institutions of higher education in partnerships to:

(a) Better prepare new teachers to utilize outcome-proven early literacy knowledge and skills and deliver outcome-proven reading instruction.

(b) Coordinate opportunities for local school districts, institutions of higher education, early child care providers, and primary caregivers to work together to deliver high-quality, outcome-proven reading instruction to primary school children as well as provide research-based support for the development of early literacy in preschool children.

193-G:4 Early Literacy and Reading Improvement Program Established.

I. There is hereby established an early literacy and reading improvement program in the department of education. This program shall provide education and support to primary caregivers of young children, early child care providers and primary school teachers and administrators in developmentally appropriate literacy instruction. Beginning July 1, 2003, approximately equal parts of any funds appropriated shall be used to support the provisions of RSA 193-G:3, I-III.

II. The program shall design and implement a structured observation program to determine the extent to which pupils at earlier ages are making progress toward reading at grade level by the end of grade 3; determine if pupils at the end of grade 3 are reading at grade level by implementing an assessment instrument developed by the department and approved by the state board of education; and provide early literacy and reading improvement assistance, including grants, to local school districts. The program shall also develop, provide, and evaluate outcome-proven programs and courses established in RSA 193-G:3, I-III, and shall provide technical assistance and professional development activities through grants, contracts with consultants, and the employment of individuals to fill authorized, program-related positions.

III. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter, grants to local school districts shall be used to address the areas specified in RSA 193-G:3, as well as other demonstrated needs related directly to early literacy and the improvement of reading. The administration of the early literacy and reading improvement grant program involves the following:

(a) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(1) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance for both primary school professional development and preschool or caregiver components; and the further opportunity to apply for additional assistance based on demonstrated need.

(2) An assurance that grant funds will be used only to supplement and not supplant ongoing local efforts.

(3) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the program, institutions of higher education, early child care providers, and primary caregivers.

(4) A delineation of the geographic area to be served by the project.

(b) Providing assistance to districts in the development of grant requests.

(c) Establishing an equitable grant review process that:

(1) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(2) Gives priority to districts with lower-performing schools in reading that have satisfactorily addressed the review criteria in subparagraph (1) and are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(d) Reviewing grant requests with recommendations to use for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(e) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(f) Monitoring the implementation of funded plans and activities.

(g) Evaluating the educational impact of the programs established in RSA 193-G:3, I-III on:

(1) Parent and early childhood provider understanding of child development concepts.

(2) Adult-child interactions in early childhood programs, as well as the phonological awareness, development of vocabulary, access to books and appropriate reading and writing opportunities, and understanding of print concepts of children in early childhood programs.

(3) Reading skill and comprehension in primary school students.

193-G:5 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2004, adopt rules relative to the administration of the early literacy and reading improvement program established in RSA 193-G:3 and RSA 193-G:4.

193-G:6 Early Learning Oversight Committee Established.

I. An early learning oversight committee shall be established and shall consist of the following members:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the senate president.

(c) Three members of the public appointed by the governor, 2 of whom shall serve a 2-year term, and one of whom shall serve a 3-year term.

(d) Two members of the public, appointed by the speaker of the house, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

(e) Two members of the public, appointed by the senate president, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

II. Legislative members of the committee shall serve a term of office coterminous with their membership in the general court.

III. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the commission.

193-G:7 Duties.

I. The duties of the early learning oversight committee shall be to:

(a) Examine administrative models in place in New Hampshire and in other states to determine the most effective administrative structure and oversight to assure the effective implementation of the early literacy and reading programs funded in this act.

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be consistent with the committee's determinations in subparagraphs (a) and (b).

(d) Oversee the outcome-proven early literacy and reading improvement programs established in RSA 193-G:3, I-III, including the impact of each program on the improvement of reading skills and comprehension of students in low-performing schools.

(e) Oversee the effect of each early literacy and reading improvement program established in RSA 193-G:3, I-III on the improvement of reading skill and comprehension of students in low-performing schools and early literacy and language skills of children in child care settings in the region of the schools.

II. The department of education shall provide administrative oversight and support to the committee.

193-G:8 Report. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the state library, and the governor on or before November 1 of each year.

2 Appropriation; Positions Established.

I. The sum of \$485,349 for the biennium ending June 30, 2003 is hereby appropriated to the department of education to be used for the purposes set forth in this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The department of education is hereby authorized to establish one program administrator position at labor grade 28, one education consultant position at labor grade 27, and one program assistant position, at labor grade 12 from funds appropriated in this act.

III. Funds appropriated in this section shall be used for the salary, benefits, equipment, and current expenses resulting from the new positions established in this act, to develop and implement the end of grade 3 reading assessment required in RSA 193-G:4, II, and to implement the early literacy and reading improvement program as set forth in RSA 193-G:4.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes an early literacy and reading improvement program and makes an appropriation of \$485,349 for the biennium ending June 30, 2003.

Rep. Kurk moved Recommit to committee.

Reps. Estabrook and Hager spoke against.

Reps. P. Judith Sullivan and Wheeler spoke in favor and yielded to questions.

Rep. Elliott requested a roll call; sufficiently seconded.

The question being adoption of the motion to Recommit.

**YEAS 179 NAYS 181****YEAS 179****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Desrosiers, William
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Furman, Christine	Gleneck, David
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Martel, Andre	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Murphy, Robert	Pappas, Marc	Pepino, Leo
Rowe, Robert	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Dalrymple, Janeen	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reardon, Neil	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Albert, Russell	Cossette, Larry	Harrington, Michael	Musler, George
Reid, Christopher	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 181****BELKNAP**

Dewhirst, Glenn	Johnson, William	Millham, Alida	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Kenney, Joseph

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Fairbanks, Chandler	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Mears, Edgar	Rodrigue, Robert
Stohl, Eric			

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, David	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Elliott, Larry	Flora, Kathleen
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Guinta, Frank	Hall, Betty	Hall, Charles
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Lynde, Harold	McDonough-Wallace, Alice	McHugh, Claire	Messier, Irene

Movsesian, Lori  
Peterson, Andrew  
Sullivan, Peter

O'Connell, Timothy  
Salts, Greg  
Sweeney, Cynthia

Palangas, Eric  
Shaw, Barbara  
White, John

Panagopoulos, Nicholas  
Spiess, Paul

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth  
Winter, Steven

Brewster, Richard  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
MacKay, James  
Perkins, Randy  
Seldin, Gloria

Colcord, J D  
Fraser, Marilyn  
Hager, Elizabeth  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dearborn, Bruce  
Hutchinson, Karen  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Splaine, James

Bowles, Raimond  
Coes, Betsy  
DiFruscia, Anthony  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Carson, Sharon  
Corbin, Corey  
Downing, Michael  
Kelley, Jane  
Langone, John  
O'Keefe, Patricia  
Ruffner, Walter  
Weatherspoon, Jacquelyne

Case, Margaret  
Cox, Russell  
Flanagan, Natalie  
Kelley, William  
McGuire, Robert  
Pantelakos, Laura  
Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinzy, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

and the motion failed.

On a division vote, 278 members having voted in the affirmative and 82 in the negative, the amendment was adopted.

### MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor, be laid on the table.

Rep. Soltani requested a roll call; sufficiently seconded.

**YEAS 133 NAYS 227**

### YEAS 133

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rice, Thomas Jr

Holbrook, Robert  
Rosen, Ralph

Lawton, David  
Thomas, John

#### CARROLL

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Quimby, Lee

Lyman, L Randy  
Sullivan, P Judith

### CHESHIRE

Hunt, John

Roberts, William

Royce, H Charles

Smith, Edwin

**COOS**

Gallus, John

Guay, Lawrence

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Marshall, Gene  
 Williams, Burton

Alger, John  
 Gabler, William  
 Mirski, Paul

Barker, Robert  
 Gilman, G Michael  
 Scanlan, David

Cobb, John  
 Giuda, Robert  
 Sova, Charles

**HILLSBOROUGH**

Alukonis, David  
 Bergeron, Jean-Guy  
 Bruno, Pierre  
 Coughlin, Pamela  
 Fletcher, Richard  
 Herman, Keith  
 Kurk, Neal  
 Milligan, Robert  
 Sargent, Maxwell  
 Thulander, O Alan

Arnold, Thomas Jr  
 Bouchard, David  
 Calawa, Leon Jr  
 Dyer, Merton  
 Furman, Christine  
 Holden, Randolph  
 Martel, Andre  
 Moran, Edward  
 Souza, Kathleen  
 Vaillancourt, Steve

Balboni, Michael  
 Bragdon, Peter  
 Christensen, D L Chris  
 Emerton, Lawrence Sr  
 Gleneck, David  
 Hopper, Gary  
 McRae, Karen  
 Pappas, Marc  
 Tate, Joan  
 White, Donald

Batula, Peter  
 Brundige, Robert  
 Christiansen, Lars  
 Fields, Dennis  
 Goulet, Maurice  
 Jean, Loren  
 Mercer, Robert  
 Pepino, Leo  
 Thompson, Rob

**MERRIMACK**

Anderson, Eric  
 Kennedy, Richard  
 Swindlehurst, John

Cummings, Raymond  
 Langer, Ray  
 Whalley, Michael

Dunne, Christopher  
 Leber, William

Hess, David  
 Soltani, Tony

**ROCKINGHAM**

Belanger, Ronald  
 Clark, Vivian  
 Fesh, Bob  
 Giordano, Ronald  
 Introne, Robert  
 Katsakiores, Phyllis  
 McKinney, Betsy  
 Packard, Sherman  
 Rausch, James  
 Varrell, Thomas

Bishop, Franklin  
 Cooney, Richard  
 Flanders, John Sr  
 Griffin, Mary  
 Itse, Daniel  
 Kelley, William  
 Moore, Benjamin  
 Putnam, Ed II  
 Reardon, Neil  
 Weyler, Kenneth

Bridle, Russell  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Hill, Jonathan  
 Johnson, Rogers  
 Letourneau, Robert  
 Nowe, Ronald  
 Quandt, Marshall  
 Stone, Joseph  
 Zolla, William

Camm, Kevin  
 Dowling, Patricia  
 Gilbert, Karl  
 Holland, James Jr  
 Katsakiores, George  
 Major, Norman  
 O'Neil, Michael  
 Quandt, Matthew  
 Stritch, C Donald

**STRAFFORD**

Albert, Russell  
 Twombly, James

Cossette, Larry  
 Woods, Phyllis

Harrington, Michael

Musler, George

**SULLIVAN**

Rodeschin, Beverly

**NAYS 227****BELKNAP**

Czech, Stanley  
 Millham, Alida

Dewhirst, Glenn  
 Russell, David

Flanders, Donald  
 Salatiello, Thomas

Johnson, William  
 Wood, Jane

**CARROLL**

Kenney, Joseph

Philbrick, Donald

Stevens, Stanley

**CHESHIRE**

Allen, Peter  
 Dexter, Judson  
 Fairbanks, Chandler  
 Meader, David  
 Richardson, Barbara

Avery, Stephen  
 Edwards, Dana  
 Liebl, George  
 Mitchell, McKim  
 Slack, Pamela Russell

Batchelder, Robert  
 Emerson, Susan  
 Manning, Joseph  
 Pratt, Irene  
 Weed, Charles

Burnham, Daniel  
 Espieffs, Peter  
 McGuirk, Paul  
 Pratt, John  
 Zerba, Roger



**COOS**

Bradley, Paula  
Rodrigue, Robert  
Woodward, David

Davis, Perley  
Rozek, Michael

Horton, Lynn  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

**GRAFTON**

Amy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Bellavance, Paul  
Clayton, William  
Craig, James  
Dionne, Kimberley  
Dwyer, Paul  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
McDonough-Wallace, Alice  
Murphy, Robert  
Peterson, Andrew  
Spiess, Paul  
Wheeler, Robert

Andosca, Mary  
Bergin, Peter  
Clemons, Jane  
Daigle, Robert  
Dokmo, Cynthia  
Eaton, Richard  
Foster, Linda  
Goley, Jeffrey  
Guinta, Frank  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
McHugh, Claire  
O'Connell, Timothy  
Rowe, Robert  
Sullivan, Peter  
White, John

Artz, Lawrence  
Buckley, Raymond  
Cote, David  
Desrosiers, William  
Drabinowicz, A Theresa  
Elliott, Larry  
Gargas, Carolyn  
Gorman, Mary  
Hall, Betty  
Kacavas, John  
LaFlamme, Paul  
Lefebvre, Roland  
Messier, Irene  
Palangas, Eric  
Salts, Greg  
Sweeney, Cynthia

Baroody, Benjamin  
Carlson, Donald  
Cote, Peter  
Dionne, David  
Drisko, Richard  
Flora, Kathleen  
Ginsburg, Ruth  
Graham, John  
Hall, Charles  
Keye, Harvey  
LaRose, Richard  
Lynde, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Shaw, Barbara  
Tahir, Saghir

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Davis, Frank  
Gile, Mary  
L'Heureux, Stephen  
Moore, Carol  
Rodd, Beth  
Winter, Steven

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

Colcord, J D  
Fraser, Marilyn  
Hager, Elizabeth  
MacKay, James  
Perkins, Randy  
Seldin, Gloria

**ROCKINGHAM**

Arndt, Janet  
Case, Margaret  
Corbin, Corey  
Downing, Michael  
Hamel, Albert  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Power, Lucille  
Sapareto, Frank  
Trueman, Raymond

Blanchard, MaryAnn  
Chalbeck, Kevin  
Cox, Russell  
Dumaine, Dudley  
Henderson, Warren  
Kelley, Jane  
McGuire, Robert  
O'Keefe, Patricia  
Priestley, Anne  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Clark, Martha Fuller  
Dearborn, Bruce  
Flanagan, Natalie  
Hutchinson, Karen  
Kobel, Rudolph  
Micklon, Stephanie  
Pantelakos, Laura  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Carson, Sharon  
Coes, Betsy  
DiFruscia, Anthony  
Gleason, John  
Johnson, Robert  
Langley, Jane  
Morse, Charles  
Pitts, Jacqueline  
Ruffner, Walter  
Splaine, James  
Whittier, John

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Bickford, David  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Reid, Christopher  
Spang, Judith

**SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

and the motion to lay on the table failed.

The question now being adoption of the committee report.

Rep. P. Judith Sullivan spoke against.

Rep. Kurk spoke in favor.

Report adopted and ordered to third reading.

**MOTION TO SPECIAL ORDER**

Rep. Mirski moved that **HB 285-FN-L**, relative to the adoption of a state building code, be made a Special Order for Thursday, January 10, 2002 in the Regular Calendar order.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill tried to address the situation that occurs when a municipality has to pay a bill to another governmental department, such as school district or county, when they have not collected the taxes from the local taxpayer. The current procedure requires the municipality to pay the bill but allows the municipality to charge a fee of up to 18% when a taxpayer does not pay the bill through the tax lien/tax deed process. The Department of Revenue Administration, during the tax rate process, may set up an overlay account, which sets money aside to cover any shortfall in the collection of taxes. Since there did not seem to be a better way to collect taxes and pay bills without losing some financial benefits the committee voted Inexpedient to Legislate on a unanimous vote. Vote 15-0.

Rep. Sova spoke against.

Rep. Brundige spoke in favor.

Adopted.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This amendment allows for the adoption of an additional elderly net asset qualification for an elderly resident by the local municipality. Currently, there is only one amount allowed (no less than \$35,000) for net assets in the elderly exemption statute (RSA 72:39). Once the municipality votes to include this net asset qualification it shall apply to a surviving spouse until sale or transfer of the property or until the remarriage of the surviving spouse. This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes. The committee voted Ought to Pass as Amended. Vote 13-2.

**Amendment (1973h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a net asset qualification for the elderly property tax exemption for married persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Property Taxation; Conditions for Elderly Exemption; Consecutive Years of Residence. Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least 5 *consecutive* years preceding April 1 in the year in which the exemption is claimed.

2 Property Taxation; Conditions for Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-a, I(c) to read as follows:

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in

the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 *or, if married, combined net assets in such greater amount as may be determined by the town or city.* "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

3 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of \_\_\_\_\_, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 *consecutive* years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married *to each other* for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a dollar amount not less than \$35,000 excluding the value of the person's residence) *or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.*" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. *The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.*

5 Exemption for the Disabled; Qualifications Clarified. Amend RSA 72:37-c, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt an exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 *consecutive* years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married *to each other* for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

6 Tax Deferral for the Elderly and Disabled; Qualifications Clarified. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 *consecutive* years; and

7 Effective Date. This act shall take effect April 1, 2002.

#### AMENDED ANALYSIS

This bill allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

Rep. Patten moved Recommit to committee.

Adopted.

Recommitted to Municipal and County Government.

**HB 689, establishing a committee to study the effectiveness and fairness of county government. INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The intent of HB 689 was to see if county government as currently operated and paid for, was effective and fair. The original bill called for a study committee to look into certain areas of county government – functions of the county now and as originally intended; what county tasks could better be accomplished by the state; possible duplication of services; equitable allocation of costs to cities and towns in the county; assessment practices. The committee retained this bill to look at these issues, to collect data to determine if any specific legislation was appropriate. The allocation of costs is set in statute - RSA 29:11 – which states that the towns shall pay in their “just proportion of all taxes granted by the county convention according to their proportion of public taxes”. Also RSA 76:1 states that “an apportionment of public taxes according to the equalized valuation of the towns, cities and unincorporated places...” is the method of determining that proportion. The committee looked at possible changes to the formula of apportionment – using land area, population, number of residents from each time at a specific date – with all different percentages. Each option discussed resulted in a more complex situation within the counties and the committee was unable to propose any clear or concise solutions. The committee also feels that to have the State take over any county functions would be more expensive than what is occurring now. The Assessing Standards Board and Equalization Standards Board are looking at the statewide assessment procedures and any changes will be recommended for new legislation each December 1. Looking at the vast amount of information provided, having a belief that county government is viable in New Hampshire and not finding any solutions to the discontent with county government, the committee recommend Vote 13-1. Rep. Jacobson spoke against and yielded to questions. Rep. Patten spoke in favor and yielded to questions. Rep. Jacobson requested a roll call; sufficiently seconded. The question being adoption of the report.

**YEAS 193 NAYS 163**

**YEAS 193**

**BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Torressen, Gary		

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Pratt, John
Roberts, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

**COOS**

Horton, Lynn	Landers, Dana	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Scovner, Nancy	Solow, Martha	Sova, Charles
Ward, Brian			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy

Bouchard, David  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
Messier, Irene  
Peterson, Andrew  
Shaw, Barbara  
Thompson, Rob

Brundige, Robert  
Christiansen, Lars  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Hall, Charles  
Jean, Loren  
Leach, Edward  
Milligan, Robert  
Rowe, Robert  
Souza, Kathleen  
Thulander, O Alan

Calawa, Leon Jr  
Cote, Peter  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Furman, Christine  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
White, Donald

### MERRIMACK

Dunne, Christopher  
L'Heureux, Stephen  
Rush, Deanna

Hager, Elizabeth  
Leber, William  
Soltani, Tony

Hess, David  
Lockwood, Priscilla  
Swindlehurst, John

Kennedy, Richard  
MacKay, James  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
McGuire, Robert  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

Bridle, Russell  
Coes, Betsy  
DiFruscia, Anthony  
Flanagan, Natalie  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Varrell, Thomas

Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Sloan, Stephen  
Welch, David

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Spang, Judith

Callaghan, Frank  
Johnson, Nancy  
Twombly, James

Cossette, Larry  
Musler, George

Goodwin, Earle  
Pelletier, Arthur

### SULLIVAN

Jones, Constance

Rodeschin, Beverly

### NAYS 163

### BELKNAP

Johnson, William

Millham, Alida

Wood, Jane

### CARROLL

Babson, David Jr

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, Irene

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Slack, Pamela Russell

Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

### COOS

Bradley, Paula  
Mears, Edgar

Davis, Perley  
Rodrigue, Robert

Gallus, John

Guay, Lawrence

**GRAFTON**

Benn, Bernard	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda	Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin	Bergin, Peter	Bragdon, Peter	Bruno, Pierre
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Lynde, Harold
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Moran, Edward
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Jacobson, Alf	Langer, Ray	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Rodd, Beth	Seldin, Gloria	Wallner, Mary Jane	Winter, Steven

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Cooney, Richard	Cox, Russell
Downing, Michael	Francoeur, Sheila	Gilbert, Karl	Hutchinson, Karen
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline
Power, Lucille	Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Grassie, Anne
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Leone, Richard
Odell, Bob	Phinizy, James	Robb, Amy	

and the report was adopted.

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: The committee believes that this bill is premature, in light of pending litigation between the town of Lebanon and the owners of Mary Hitchcock Hospital, to deal with its core subject matter. Vote 13-1.

Rep. Weyler spoke against and yielded to questions.

On a division vote, 171 members having voted in the affirmative and 178 in the negative, the report failed.

Rep. Mirski moved Ought to Pass.

On a division vote, 243 members having voted in the affirmative and 112 in the negative, the motion was adopted.

Ordered to third reading.

Rep. Almy declared a conflict of interest and did not participate.

**HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael W. Downing for Ways and Means: This bill creates a grant program administered by the Department of Environmental Services to aid lake associations and municipalities in controlling milfoil and other exotic plants without increasing existing boat registration fees. This bill also provides funding for the harbor dredging and pier maintenance fund, as well as a research grant in exotic plant control. Funding for these programs will be provided utilizing the boat fees currently collected by authorized agents of the state. The boat fees currently collected by municipalities will remain with the municipality. The fees collected directly by the state will continue to go to the navigational aid fund. This bill also requires the Departments of Environmental Services and Safety to submit a yearly report to the legislature. Vote 18-0.

**Amendment (2054h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a milfoil and other exotic plants control and research grant program and fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Milfoil and Other Exotic Plants Control and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (iii) the following new subparagraph:

(jjjj) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants control and research grant fund.

2 Boat Registration Fee; Collection by Authorized Agents. Amend RSA 72-A:5 to read as follows: 72-A:5 Town Treasurer.

I. Every clerk[;] ~~and tax collector[; and authorized agent]~~ shall each week send all boat fees collected to his *or her* town or city treasurer. Except as provided in ~~[paragraph]~~ **paragraphs II and III**, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the department of safety, the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

**III. Every authorized agent of the department of safety shall each week send all boat fees collected to the department of safety. Each quarter the department shall account for these fees and deposit them as follows:**

(a) *One-third of the milfoil and other exotic plants control and research grant fund established under RSA 487:26;*

(b) *One-third to the harbor dredging and pier maintenance fund established under RSA 271-A:21; and*

(c) *One-third shall be used by the department to implement the United States Aids to Navigation System to mark the state's waters.*

3 Boat Registration Fee. Amend RSA 72-A:5, III(a) to read as follows:

(a) One-third to the general fund.

4 Boat Registration Fee. Amend RSA 72-A:15, III(c) to read as follows:

(c) One-third shall be ~~[used by the department to implement the United States Aids to Navigation System to mark the state's waters]~~ **deposited in the general fund.**

5 New Subdivision; Milfoil and Other Exotic Plants Control. Amend RSA 487 by inserting after section 25 the following new subdivision:

Milfoil and Other Exotic Plants Control

487:26 Milfoil and Other Exotic Plants Control and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants control and research grant fund. The purpose of this fund is to provide revenues for the milfoil and other exotic plants control and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants control and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations

and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants control and research grant fund, established under RSA 487:26. Up to one-half of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants control programs and the remainder shall be allocated to milfoil and other exotic plants research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

- I. Eligibility determination criteria and procedures.
- II. Application requirements and procedures.
- III. Project selection and prioritization requirements and procedures.
- IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

- (a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.
- (b) Municipalities or other political subdivisions of the state.
- (c) Institutions of higher learning.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:30 Milfoil and Other Exotic Plants Control and Research Grant Fund Report and Budget.

I. The department of environmental services shall submit an annual report, beginning on July 1, 2003, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of programs funded by the milfoil and other exotic plants control and research grant fund and the extent of aid to municipalities, lake associations, and research institutions.

II. In addition to or in conjunction with its operating budget, the department of environmental services shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include all expected revenues and projected expenditures of the dedicated fund established in RSA 487:26.

6 Termination of Funding and Report on United States Aids to Navigation System.

I. Any moneys that the department of safety receives during fiscal year 2002 to implement the United States Aids to Navigation System under RSA 72-A:5, III(c) and does not spend or obligate for expenditure by June 30, 2003 shall lapse to the general fund on July 1, 2003.

II. In addition to, or in conjunction with, its operating budget for fiscal year 2004 the department shall submit a report on the implementation of the United States Aids to Navigation System, including a projected budget for maintenance of the system to the speaker of the house, the president of the senate, the governor, and the executive council.

7 Prospective Repeal; July 1, 2006. The following are repealed:

- I. RSA 6:12, I(jjjj), relative to the milfoil and other exotic plants control and research grant fund.
- II. RSA 487:26-29, relative to the milfoil and other exotic plants control program.

8 Effective Date.

- I. Sections 3 and 7 of this act shall take effect July 1, 2006.
- II. The remainder of this act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.



This bill also creates a special milfoil and other exotic plants control and research grant fund to provide moneys for the program. Funding for the grant program is provided by directing authorized agents of the department of safety to pay the boat fee they collect under RSA 72-A to the department, instead of to the town or city treasurer. The department shall use 1/3 of the boat fees so collected to fund the grant program and 1/3 for the harbor dredging and pier maintenance fund. The remaining 1/3 of the boat fees will go into the general fund.

The provisions of this bill are repealed July 1, 2006 and the funds allocated to the milfoil and other exotic plants control and research grant fund lapse into the general fund.

Reps. Leach, Lovett and Winter spoke against.

Reps. Downing and Vivian Clark spoke in favor and yielded to questions.

Rep. Leone requested a roll call; sufficiently seconded.

The question being adoption of the amendment.

## YEAS 93 NAYS 263

### YEAS 93 BELKNAP

Lawton, David                      Rice, Thomas Jr

### CARROLL

Dickinson, Howard              Kenney, Joseph

### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Espiefs, Peter
Hunt, John	Liebl, George	McGuirk, Paul	Smith, Edwin

### COOS

Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Woodward, David			

### GRAFTON

Almy, Susan	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Scanlan, David	Ward, Brien		

### HILLSBOROUGH

Alukonis, David	Artz, Lawrence	Bouchard, David	Bragdon, Peter
Bruno, Pierre	Calawa, Leon Jr	Cote, David	Desrosiers, William
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Golding, William
Guinta, Frank	Herman, Keith	Johnson, Lionel	Kurk, Neal
Lefebvre, Roland	McRae, Karen	Mercer, Robert	Milligan, Robert
Sargent, Maxwell	Thulander, O Alan		

### MERRIMACK

Anderson, Eric	Feuerstein, Martin	Hess, David	L'Heureux, Stephen
Leber, William	Seldin, Gloria	Swindlehurst, John	Whalley, Michael

### ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Corbin, Corey
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Francoeur, Sheila
Giordano, Ronald	Griffin, Mary	Henderson, Warren	Holland, James Jr
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Power, Lucille	Priestley, Anne	Rausch, James	Reardon, Neil
Stritch, C Donald	Varrell, Thomas		

### STRAFFORD

Albert, Russell	Cossette, Larry	Kaen, Naida	Proulx, Raymond
Reid, Christopher			

**SULLIVAN**

Cloutier, John

**NAYS 263****BELKNAP**

Bartlett, Gordon  
 Flanders, Donald  
 Nedeau, Stephen  
 Wendelboe, Fran

Boyce, Laurie  
 Holbrook, Robert  
 Rosen, Ralph  
 Wood, Jane

Czech, Stanley  
 Johnson, William  
 Russell, David

Dewhirst, Glenn  
 Millham, Alida  
 Thomas, John

**CARROLL**

Babson, David Jr  
 Patten, Betsey  
 Sullivan, P Judith

Bradley, Jeb  
 Philbrick, Donald  
 Torressen, Gary

Lyman, L Randy  
 Quimby, Lee

Mock, Henry  
 Stevens, Stanley

**CHESHIRE**

Allen, Peter  
 Fairbanks, Chandra  
 Pratt, Irene  
 Royce, H Charles

Batchelder, Robert  
 Manning, Joseph  
 Pratt, John  
 Slack, Pamela Russell

Burnham, Daniel  
 Meader, David  
 Richardson, Barbara  
 Weed, Charles

Emerson, Susan  
 Mitchell, McKim  
 Roberts, William  
 Zerba, Roger

**COOS**

Bradley, Paula  
 Landers, Dana

Davis, Perley  
 Rozek, Michael

Gallus, John  
 Stohl, Eric

Guay, Lawrence  
 Tholl, John Jr

**GRAFTON**

Akins, Ralph  
 Cobb, John  
 Lovett, Sid  
 Pawlek, Marion  
 Sova, Charles

Alger, John  
 Cooney, Mary  
 Marshall, Gene  
 Scovner, Nancy  
 Williams, Burton

Barker, Robert  
 Dudley, Terri  
 Naro, Debra  
 Sokol, Hilda

Benn, Bernard  
 Gabler, William  
 Nordgren, Sharon  
 Solow, Martha

**HILLSBOROUGH**

Allan, Nelson  
 Batula, Peter  
 Brundige, Robert  
 Christiansen, Lars  
 Coughlin, Pamela  
 Dionne, Kimberley  
 Dwyer, Paul  
 Ford, Nancy  
 Ginsburg, Ruth  
 Goulet, Maurice  
 Hall, Charles  
 Jean, Loren  
 L'Heureux, Robert  
 Leach, Edward  
 McHugh, Claire  
 Murphy, Robert  
 Pappas, Marc  
 Salts, Greg  
 Sullivan, Peter  
 Thompson, Rob  
 White, John

Arnold, Thomas Jr  
 Bellavance, Paul  
 Buckley, Raymond  
 Clayton, William  
 Craig, James  
 Dokmo, Cynthia  
 Dyer, Merton  
 Foster, Linda  
 Gleneck, David  
 Graham, John  
 Holden, Randolph  
 Kacavas, John  
 LaFlamme, Paul  
 Lynde, Harold  
 Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Shaw, Barbara  
 Sweeney, Cynthia  
 Vaillancourt, Steve

Balboni, Michael  
 Bergeron, Jean-Guy  
 Carlson, Donald  
 Clemons, Jane  
 Daigle, Robert  
 Drabinowicz, A Theresa  
 Eaton, Richard  
 Furman, Christine  
 Goley, Jeffrey  
 Greenberg, Gary  
 Hopper, Gary  
 Keye, Harvey  
 LaRose, Richard  
 Martel, Andre  
 Moran, Edward  
 Palangas, Eric  
 Peterson, Andrew  
 Souza, Kathleen  
 Tahir, Saghir  
 Wheeler, Robert

Baroody, Benjamin  
 Bergin, Peter  
 Christensen, D L Chris  
 Cote, Peter  
 Dionne, David  
 Drisko, Richard  
 Fletcher, Richard  
 Gargas, Carolyn  
 Gorman, Mary  
 Hall, Betty  
 Jean, Claudette  
 Konys, Christine  
 Lasky, Bette  
 McDonough-Wallace, Alice  
 Movsesian, Lori  
 Panagopoulos, Nicholas  
 Rowe, Robert  
 Spiess, Paul  
 Tate, Joan  
 White, Donald

**MERRIMACK**

Bouchard, Candace  
 Cummings, Raymond

Brewster, Richard  
 Daneault, Gabriel

Clarke, Claire  
 Davis, Frank

Colcord, J D  
 Dunne, Christopher

Fraser, Marilyn  
Hager, Elizabeth  
Lockwood, Priscilla  
Perkins, Randy  
Soltani, Tony

French, Barbara  
Jacobson, Alf  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

Gile, Mary  
Kennedy, Richard  
Moore, Carol  
Rodd, Beth  
Winter, Steven

Greco, Vincent  
Langer, Ray  
Owen, Derek  
Rush, Deanna

### ROCKINGHAM

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dalrymple, Janeen  
Flanagan, Natalie  
Hamel, Albert  
Johnson, Robert  
Kelley, William  
Norelli, Terie  
Pitts, Jacqueline  
Robertson, Carl  
Sloan, Stephen  
Weatherspoon, Jacquelyne  
Zolla, William

Bowles, Raimond  
Coes, Betsy  
Dearborn, Bruce  
Flanders, John Sr  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
O'Keefe, Patricia  
Putnam, Ed II  
Ruffner, Walter  
Splaine, James  
Welch, David

Carson, Sharon  
Cooney, Richard  
Dumaine, Dudley  
Gilbert, Karl  
Hutchinson, Karen  
Kane, Cecelia  
Langley, Jane  
Packard, Sherman  
Quandt, Marshall  
Sapareto, Frank  
Stone, Joseph  
Weyler, Kenneth

Case, Margaret  
Cox, Russell  
Fesh, Bob  
Gleason, John  
Itse, Daniel  
Kelley, Jane  
Moore, Benjamin  
Pantelakos, Laura  
Quandt, Matthew  
Shultis, Elizabeth  
Trueman, Raymond  
Whittier, John

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Twombly, James

Bickford, David  
Estabrook, Iris  
Grassie, Anne  
Johnson, Nancy  
Musler, George  
Snyder, Clair  
Wall, Janet

Brennan, William  
Ferland, Paul  
Harrington, Michael  
Knowles, William  
Pelletier, Arthur  
Spang, Judith  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Woods, Phyllis

### SULLIVAN

Allison, David  
Harris, Joseph  
Odell, Bob

Burling, Peter  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

and the amendment failed.

The question is now Ought to Pass.

Rep. Kennedy spoke against.

Rep. O'Dell spoke in favor.

Rep. Sova requested a roll call; sufficiently seconded.

The question being adoption of Ought to Pass.

### YEAS 331 NAYS 26

#### YEAS 331

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Johnson, William  
Rosen, Ralph  
Wood, Jane

Czech, Stanley  
Millham, Alida  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

#### CARROLL

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torressen, Gary

Lyman, L Randy  
Quimby, Lee

#### CHESHIRE

Allen, Peter  
Dexter, Judson

Avery, Stephen  
Edwards, Dana

Batchelder, Robert  
Emerson, Susan

Burnham, Daniel  
Espieffs, Peter

Fairbanks, Chandler  
McGuirk, Paul  
Pratt, John  
Slack, Pamela Russell

Hunt, John  
Meador, David  
Richardson, Barbara  
Smith, Edwin

Liebl, George  
Mitchell, McKim  
Roberts, William  
Weed, Charles

Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Zerba, Roger

### COOS

Bradley, Paula  
Horton, Lynn  
Rodrigue, Robert  
Woodward, David

Davis, Perley  
Landers, Dana  
Rozek, Michael

Gallus, John  
Mears, Edgar  
Stohl, Eric

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

### GRAFTON

Akins, Ralph  
Benn, Bernard  
Gabler, William  
Lovett, Sid  
Nordgren, Sharon  
Sokol, Hilda  
Williams, Burton

Alger, John  
Cobb, John  
Gilman, G Michael  
Marshall, Gene  
Pawlek, Marion  
Solow, Martha

Almy, Susan  
Cooney, Mary  
Giuda, Robert  
Mirski, Paul  
Scanlan, David  
Sova, Charles

Barker, Robert  
Dudley, Terri  
Ham, Bonnie  
Naro, Debra  
Scovner, Nancy  
Ward, Brien

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Buckley, Raymond  
Clayton, William  
Coughlin, Pamela  
Dionne, David  
Dwyer, Paul  
Fields, Dennis  
Gargas, Carolyn  
Gorman, Mary  
Guinta, Frank  
Hopper, Gary  
Keye, Harvey  
LaFlamme, Paul  
Lefebvre, Roland  
McHugh, Claire  
Movsesian, Lori  
Panagopoulos, Nicholas  
Rowe, Robert  
Souza, Kathleen  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Baroody, Benjamin  
Bergin, Peter  
Calawa, Leon Jr  
Clemons, Jane  
Craig, James  
Dionne, Kimberley  
Eaton, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Jean, Claudette  
Konyes, Christine  
LaRose, Richard  
Lynde, Harold  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Tate, Joan  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Carlson, Donald  
Cote, David  
Daigle, Robert  
Dokmo, Cynthia  
Elliott, Larry  
Foster, Linda  
Golding, William  
Graham, John  
Hall, Charles  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Sullivan, Peter  
Thompson, Rob  
White, John

Artz, Lawrence  
Bellavance, Paul  
Brundige, Robert  
Christensen, D L Chris  
Cote, Peter  
Desrosiers, William  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Shaw, Barbara  
Sweeney, Cynthia  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Dunne, Christopher  
Gile, Mary  
Jacobson, Alf  
MacKay, James  
Potter, Frances  
Swindlehurst, John

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Greco, Vincent  
L'Heureux, Stephen  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Leber, William  
Owen, Derek  
Rush, Deanna  
Winter, Steven

Clarke, Claire  
Davis, Frank  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell

Belanger, Ronald  
Camm, Kevin

Blanchard, MaryAnn  
Carson, Sharon

Bowles, Raimond  
Case, Margaret

Chalbeck, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Kane, Cecelia  
Kelley, William  
Major, Norman  
Moore, Benjamin  
O'Keefe, Patricia  
Pitts, Jacqueline  
Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Welch, David

Clark, Martha Fuller  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, George  
Kobel, Rudolph  
McGuire, Robert  
Morse, Charles  
O'Neil, Michael  
Power, Lucille  
Reardon, Neil  
Shultis, Elizabeth  
Stritch, C Donald  
Weyler, Kenneth

Clark, Vivian  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Norelli, Terie  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Coes, Betsy  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Pantelakos, Laura  
Putnam, Ed II  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne  
Zolla, William

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Albert, Russell  
Callaghan, Frank  
Ferland, Paul  
Harrington, Michael  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Woods, Phyllis

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
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McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

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Rodeschin, Beverly

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

### NAYS 26

### BELKNAP

Holbrook, Robert

Lawton, David

### CARROLL

### CHESHIRE

### COOS

### GRAFTON

### HILLSBOROUGH

Bragdon, Peter  
Dyer, Merton  
Jean, Loren

Bruno, Pierre  
Fletcher, Richard  
McRae, Karen

Christiansen, Lars  
Gleneck, David  
Moran, Edward

Drabinowicz, A Theresa  
Herman, Keith  
Wheeler, Robert

### MERRIMACK

Kennedy, Richard

Langer, Ray

Soltani, Tony

Whalley, Michael

### ROCKINGHAM

Bishop, Franklin  
Quandt, Marshall

Dumaine, Dudley  
Quandt, Matthew

Henderson, Warren  
Varrell, Thomas

Letourneau, Robert

**STRAFFORD**

None

**SULLIVAN**

None

Adopted.

Referred to Finance.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 10, 2002.

Adopted.

**LATE SESSION****Third reading and final passage****HB 447**, establishing a task force on family law.**HB 586**, excluding stepchildren from the definition of "child" in the context of support orders.**HB 661**, relative to hearing timelines in abuse and neglect cases.**HB 686**, relative to the scope of discovery in abuse and neglect cases.**HB 706**, relative to mediation in superior court cases involving children.**SB 56**, relative to health care providers discontinuing service in New Hampshire.**HB 567-FN-L**, extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.**HB 329-FN-L**, establishing a committee to study indoor air quality and fire safety in public schools.**HB 137**, establishing a committee to study the definition of domicile for voting purposes.**HB 266**, establishing a committee to study recodification of the election laws.**HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.**HB 353-FN-A**, , relative to diversified agricultural development.**SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters.**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor.**SB 155-L**, , limiting the liability of teachers and other educational employees.**HB 744-FN-A**, establishing a committee to study the feasibility of a state pilot program for family and disability leave.**HB 392**, relative to a property tax exemption for property of agricultural fairs.**HB 617**, relative to additional exceptions to junk yard regulation.**HB 650-FN**, relative to master plans.**HB 701**, relative to municipal limitation of renewable energy systems.**HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways.**HB 681**, relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.**HB 718-FN**, relative to renewable-energy-source electricity generation and transition service.**HB 209-FN**, relative to original and youth operators' licenses.**HB 213-FN**, establishing a study committee on education property tax hardship relief.**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.**HB 284-FN**, relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.**HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor.**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 1:30 p.m.

**RECESS**

**(Rep. Francoeur in the Chair)****RESOLUTION**

Rep. Stritch offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1407 and 1408 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1407**, relative to the definition of property in planning and zoning laws, and allowing planning and zoning boards to require public notice by posting signs for hearings on the property. (N. Johnson, Straf 5; Gilmore, Straf 11; McCarthy, Straf 3: Municipal and County Government)

**HB 1408**, relative to local ordinances regulating truancy. (Taylor, Straf 11: Children and Family Law)

**RECESS****(Rep Mock in the Chair)****RESOLUTION**

Rep. Loren Jean offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1409 and 1410 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1409-FN-A-L**, relative to payment of autopsy expenses and making an appropriation therefor. (Pilliod, Belk 3; Hager, Merr 18; Cox, Rock 24; Millham, Belk 4; Drisko, Hills 22; Wheeler, Dist 21: Finance)

**HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election. (Gilmore, Straf 11; P. Woods, Straf 11; A. Pelletier, Straf 12; Knowles, Straf 11; Reid, Straf 12; Wheeler, Dist 21: Municipal and County Government)

**RECESS****(Rep. Burling in the Chair)****RESOLUTION**

Rep. Cecelia Kane offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1411 and 1412 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1411-FN-A**, transferring funds from 2 capital accounts to the judicial branch for district court security implementation period funding. (Chandler, Carr 1; Mock, Carr 3; J. Pratt, Ches. 2; Kurk, Hills. 5; Below, Dist 5: Public Works and Highways)

**HB 1412-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Wendelboe, Belk 2; P. Woods, Straf 11; Itse, Rock 11; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 2**

January 10, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator, at the very beginning You said, "Let there be light," and it was so. We humbly ask that You further the work of this honorable House with the gift of Your light, so that each representative may see new solutions to the complex problems that demand their attention. In all the work accomplished today, may the citizens of our beloved New Hampshire be mindful of the sacrifices of many who protect our freedom, and may each of us serve as lights of hope to those in darkness. As always, we ask that Your protection be with those who serve our country and who are in harm's way today. Amen.

Rep. Priscilla Lockwood led the Pledge of Allegiance.

The National Anthem was sung by Bethany LaBrecque, a student from John Stark High School in Weare.

**LEAVES OF ABSENCE**

Reps. Chabot, DePecol, Dwyer, Keye, Lent, Pilliod, Schulze, Stohl, Whittemore and Yeaton, the day, illness.

Reps. Belanger, Marilyn Fraser, Jeffrey Gilbert, Hopper, Lynde, Moran, O'Keefe, Marsha Pelletier, Perkins, Irene Pratt, Priestly, Rodrigue, Salatiello, Seldin, Tholl, Tsiros and Woodward, the day, important business.

Reps. Dalrymple, Dyer and Flint, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Concord police officer Mario Messina, guest of Rep. Emerson. Leadership Greater Manchester, Class of 2002, guests of the House.

**REGULAR CALENDAR**

**HB 179-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: This bill permits 17-year-old juvenile delinquents to receive services provided to other minor children. It also permits them to become residents of the Youth Development Center rather than in the county jail. Vote 14-1.

**Amendment (1968h)**

Amend the title of the bill by replacing it with the following:

AN ACT including 17 year olds under RSA 169-B, the juvenile delinquency statute.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect July 1, 2004.

**AMENDED ANALYSIS**

This bill changes the scope of RSA 169-B and related juvenile delinquency laws to include 17 year olds.

The bill defines a minor, for purposes of RSA 169-B, as a person under the age of 18, and a delinquent as a person who committed an offense before reaching the age of 18.

Adopted.

Report adopted.

Referred to Finance.

**SB 26**, relative to probate court procedures regarding adoptions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS**

Rep. Daniel C. Itse for the Majority of Children and Family Law: This bill ensures that minor parents relinquishing children for adoption shall be apprised by the Division of Children, Youth and Families or



a child-placing agency as to the availability of counseling. It also allows the court to waive court fees for hardship and exempts the Department of Health and Human Services from court fees. Vote 9-7. Rep. David A. Bickford for the Minority of Children and Family Law: The original bill gave minor fathers the same benefits as minor mothers are provided in adoption cases. The bill as amended continues to allow the court to have the option of requiring the consent of the mothers' parents, but not the father's. The minority believes that the parental consent issue should apply to both genders equally.

### **Majority Amendment (2032h)**

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill requires a parent who relinquishes parental rights to be informed of counseling services offered by licensed child-placing agencies by the department of health and human services or a child-placing agency and to file an affidavit with the court stating that such parent was informed of counseling services available through child-placing agencies.

This bill also removes the exemption for child-placing agencies from paying entry fees and certain court costs in adoption and termination of parental rights cases. The bill states that entry fees and court costs will be paid by the petitioner, unless the court waives entry fees and court costs due to hardship.

Rep. Dowling spoke against.

Majority amendment failed.

The question being Ought to Pass.

Adopted and ordered to third reading.

### **HB 668, prohibiting the use of genetic testing for certain insurance purposes. OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment changes the definition of a genetic test to the current state of the science. The amendment also requires that "An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience." The effect of this language will require the Insurance Department to investigate any consumer complaint about the use of genetic testing. Currently no insurance companies use any genetic test. Vote 17-0.

### **Amendment (1975h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to genetic testing.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Genetic Testing. RSA 141-H:1, IV is repealed and reenacted to read as follows:

IV. "Genetic testing" means: laboratory testing of human DNA, RNA, mitochondrial DNA, chromosomes or proteins for the purpose of identifying genes, inherited genes, inherited genetic abnormalities, or the presence or absence of inherited characteristics in genetic material, which are associated with a predisposition to disease, illness, impairment or other disease processes. For the purpose of this section, the term genetic testing shall not include testing given for drugs, alcohol, cholesterol, or HIV; any test for the purpose of diagnosing an existing disease process; any test performed due to the presence of symptoms, signs or other manifestations of a disease, illness, impairment or other disease process or any test that is taken as a biopsy, autopsy, or clinical specimen solely for the purpose of conducting an immediate clinical or diagnostic test that is not a test of DNA, RNA, mitochondrial DNA, chromosomes or proteins.

2 New Paragraph; Use of Genetic Testing by Insurers. Amend RSA 141-H:5 by inserting after paragraph II the following new paragraph:

III. An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill changes the definition of genetic testing and limits the use of genetic testing by insurers.  
Adopted.

Report adopted and ordered to third reading.

#### **HB 672, relative to coverage for mental and nervous conditions. OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: This bill makes needed changes to the mental health insurance laws. The bill resulted from a legislative study committee, chaired by Rep. Sheila Francoeur, which met during the summer of 2000. The study committee met numerous times and identified several problems, which affect consumers' access to mental health and alcohol and other drug insurance benefits. HB 672 was introduced in January 2001 to try and address these problems. In order to review all of the issues, the Commerce Committee re-committed the bill and a sub-committee worked on it throughout this summer and fall. The committee has worked hard to craft consensus legislation that will benefit consumers without causing financial stress to insurers and their subscribers. Specifically, the bill expands the current mental health parity law (RSA 417-E: 1, III) to include anorexia nervosa, bulimia nervosa, and chronic post-traumatic stress disorder. A parity diagnosis under this chapter is recognized by professionals, and in the law, as "a clinically significant or psychological syndrome or pattern that occurs in a person and that is associated with present distress, a painful symptom or disability; impairment in one or more important areas of functioning; or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom." For these diagnoses, insurers must provide the same financial benefits as they would for "physical" illness under the plan. The bill also requires that insurers provide chemical dependency benefits (both in and out patient) to all subscribers. The insurers are able to design these benefits. To accommodate the need for adequate providers of services, the bill adds licensed alcohol and drug counselors as service providers for chemical dependency benefits. It has been left up to the insurance companies to determine the specific benefits they will offer, but they must cover both detoxification and rehabilitation. Finally, this bill clarifies the definition of mental illness as a diagnosis from the DSM-IV, which is the standard manual used by mental health professionals to diagnose and treat patients. Insurers are required to provide services for all diagnoses contained in the DSM-IV (with some exceptions noted in the bill). Specifically anorexia and bulimia as well as chronic post-traumatic syndrome has been added to the list. Vote 17-0.

#### **Amendment (2021h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

Amend the bill by replacing all after the enacting clause with the following:

1 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Accident and Health. RSA 415:18-a is repealed and reenacted to read as follows:

415:18-a Coverage for Mental or Nervous Conditions and Treatment for Chemical Dependency Required.

1.(a) Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; and
- (8) Licensed clinical social workers

are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders.

(b) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

II. In the case of policies or certificates providing benefits for hospital expenses on other than a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders based upon confinement in a licensed or accredited general hospital, including psychiatric inpatient facilities included under the license of such a hospital, shall be at least as favorable as benefits provided for any other illness in such a hospital. Benefits based upon confinement in a public mental hospital shall be at least as favorable as benefits provided for confinement in a licensed or accredited general hospital.

III. In the case of policies or certificates providing benefits for medical expenses on other than a major medical basis:

(a) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services of a psychiatrist, licensed psychologist, licensed pastoral psychotherapist, psychiatric/mental health advanced registered nurse practitioner, licensed clinical mental health counselors, licensed marriage and family therapist, or licensed clinical social worker who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; or
- (8) Licensed clinical social workers

shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(b) Each insurer, including health maintenance organizations contemplated under RSA 420-B and self-insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services rendered at a community mental health center or psychiatric residential program approved by the department of health and human services. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(c) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services rendered at a public mental hospital shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such a hospital shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(d) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services under this paragraph need not be provided for the first or second visit providing such a limitation applies in the case of services for other illnesses. Benefits for outpatient treatment may be otherwise limited to not less than 15 full hours of treatment in any consecutive 12-month period.

IV.(a) In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual.

(b) In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by:

- (1) A psychiatrist;
- (2) A licensed psychologist;
- (3) A licensed pastoral psychotherapist;
- (4) A psychiatric/mental health advanced registered nurse practitioner;
- (5) A licensed clinical mental health counselor;
- (6) A licensed alcohol and drug counselor;
- (7) A licensed marriage and family therapist;
- (8) A licensed clinical social worker;
- (9) A licensed general hospital;
- (10) A public or licensed mental hospital; or
- (11) A community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a licensed clinical social worker.

V. In this section:

(a) "Psychiatrist" means a licensed physician who is board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology.

(b) "Psychologist" means a person who:

- (1) Is licensed under RSA 330-A as a psychologist;
- (2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or
- (3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

(d) "Psychiatric/mental health advanced registered nurse practitioner" means an individual who is licensed as an advanced registered nurse practitioner in psychiatric mental health nursing under RSA 326-B:10, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

(e) "Licensed clinical social worker" means an individual who is licensed as a clinical social worker under RSA 330-A:18.

(f) "Licensed clinical mental health counselor" means an individual who is licensed as a clinical mental health counselor under RSA 330-A:19.

(g) "Licensed marriage and family therapist" means an individual who is licensed as a marriage and family therapist under RSA 330-A:21.

(h) "Licensed alcohol and drug counselor" means an individual who is licensed as an alcohol and drug counselor under RSA 330-C and is practicing solely within the scope of practice of a licensed alcohol and drug counselor.

(i) "Mental or nervous conditions" or "mental illness and emotional disorders" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Di-

agnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency, including alcoholism.

VI. No services provided by a licensed pastoral psychotherapist to a member of his congregation in the course of the duties to which he has been called as a pastor, minister or staff person shall be covered under the provisions of this chapter. This limitation shall not apply to those licensed pastoral psychotherapists serving specifically and only as private, part-time consultants in pastoral psychotherapy to a parish under contract or otherwise for the purpose of providing services to individuals as a licensed pastoral psychotherapist. Nothing in this chapter shall be construed as allowing a parish, church or temple to provide religious ministrations to their parishioners or members under the provisions of this chapter which would normally be the responsibility of the clergy, religious or other religious staff duly called and employed by such congregations.

VII. No group policy or certificate subject to RSA 415:18-a issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

2 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Health Maintenance Organizations. Amend RSA 420-B:8-b to read as follows:

420-B:8-b Health Maintenance Organization Benefits for Mental and Nervous Conditions *and Treatment for Chemical Dependency*.

I.(a) Benefits for mental or nervous conditions shall conform to the requirements of RSA 415:18-a or alternatively with the basic health services requirements of the Health Maintenance Organization Act of 1973 (P.L. 93-222), any amendments, and federal regulations issued under the authority of such federal law. However, where a health maintenance organization provides these alternative benefits, such benefits shall not be subject to any deductible. The coinsurance required by the enrolled participant shall not exceed 20 percent of the reasonable and customary charge for the services provided.

(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits in each contract year. Subsequent visits within the contract year may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.

II. No evidence of coverage, or amendment thereto, issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

*III. Coverage shall be provided for expenses arising from treatment for chemical dependency, including alcoholism. Coverage shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.*

*IV. "Mental and nervous conditions" shall be defined as mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency including alcoholism.*

3 Mental Illnesses Covered. Amend RSA 417-E:1, III to read as follows:

III. The following mental illnesses, as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders published by the American Psychiatric Association, shall be covered under this section:

- (a) Schizophrenia *and other psychotic disorders*.
- (b) Schizoaffective disorder.
- (c) Major depressive disorder.
- (d) Bipolar disorder.
- (e) ~~[Paranoia and other psychotic disorders]~~ *Anorexia nervosa and bulimia nervosa*.
- (f) Obsessive-compulsive disorder.
- (g) Panic disorder.
- (h) Pervasive developmental disorder or autism.
- (i) *Chronic post-traumatic stress disorder*.

4 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill revises the laws relative to insurance coverage for mental and nervous conditions. The bill also requires insurance coverage for treatment for chemical dependency.

Reps. Rosen and Giuda spoke against.

Rep. Hunt spoke in favor.

Adopted.

Rep. Giuda spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Rep. William Kelley requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 268 NAYS 78

YEAS 268

BELKNAP

Czech, Stanley  
Millham, Alida  
Wendelboe, Fran

Dewhirst, Glenn  
Nedeau, Stephen  
Wood, Jane

Flanders, Donald  
Russell, David

Johnson, William  
Thomas, John

CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Quimby, Lee

CHESHIRE

Allen, Peter  
Edwards, Dana  
Hunt, John  
Meader, David  
Roberts, William  
Weed, Charles

Avery, Stephen  
Emerson, Susan  
Liebl, George  
Mitchell, McKim  
Royce, H Charles  
Zerba, Roger

Batchelder, Robert  
Espieffs, Peter  
Manning, Joseph  
Pratt, John  
Slack, Pamela Russell

Dexter, Judson  
Fairbanks, Chandler  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

COOS

Bradley, Paula  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn

Landers, Dana

GRAFTON

Akins, Ralph  
Benn, Bernard  
Lovett, Sid  
Pawlek, Marion  
Solow, Martha

Alger, John  
Cooney, Mary  
Marshall, Gene  
Scanlan, David  
Teschner, Douglass

Almy, Susan  
Gabler, William  
Naro, Debra  
Scovner, Nancy  
Ward, Brien

Barker, Robert  
Ham, Bonnie  
Nordgren, Sharon  
Sokol, Hilda  
Williams, Burton

HILLSBOROUGH

Allan, Nelson  
Balcom, John

Alukonis, David  
Baroody, Benjamin

Andosca, Mary  
Batula, Peter

Artz, Lawrence  
Bellavance, Paul

Bergin, Peter  
 Calawa, Leon Jr  
 Clegg, Robert Jr  
 Daigle, Robert  
 Drisko, Richard  
 Fletcher, Richard  
 Gargas, Carolyn  
 Gonzalez, Carlos  
 Greenberg, Gary  
 Jean, Claudette  
 Kurk, Neal  
 Leach, Edward  
 Martin, Mary Ellen  
 Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Sargent, Maxwell  
 Sweeney, Cynthia  
 Williams, Carol

Bouchard, David  
 Cardin, Lori  
 Clemons, Jane  
 Dionne, David  
 Elliott, Larry  
 Ford, Nancy  
 Ginsburg, Ruth  
 Gorman, Mary  
 Guinta, Frank  
 Johnson, Lionel  
 L'Heureux, Robert  
 Leishman, Peter  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Palangas, Eric  
 Peterson, Andrew  
 Seibel, Christopher  
 Thulander, O Alan

Brundige, Robert  
 Carlson, Donald  
 Cote, David  
 Dokmo, Cynthia  
 Emerton, Lawrence Sr  
 Foster, Linda  
 Golding, William  
 Goulet, Maurice  
 Hall, Betty  
 Kacavas, John  
 LaFlamme, Paul  
 Lessard, Rudy  
 Melcher, Harold  
 Movsesian, Lori  
 Panagopoulos, Nicholas  
 Reeves, Sandra  
 Spiess, Paul  
 Vaillancourt, Steve

Buckley, Raymond  
 Clayton, William  
 Craig, James  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Furman, Christine  
 Goley, Jeffrey  
 Graham, John  
 Herman, Keith  
 Konys, Christine  
 Lasky, Bette  
 Martel, Andre  
 Mercer, Robert  
 Murphy, Robert  
 Pappas, Marc  
 Rowe, Robert  
 Sullivan, Peter  
 White, John

### MERRIMACK

Anderson, Eric  
 Crosby, Toni  
 Feuerstein, Martin  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 Owen, Derek  
 Rush, Deanna

Bouchard, Candace  
 Cummings, Raymond  
 Fraser, Leo Jr  
 Hess, David  
 Leber, William  
 Potter, Frances  
 Wallner, Mary Jane

Clarke, Claire  
 Daneault, Gabriel  
 French, Barbara  
 Hutchinson, John  
 MacKay, James  
 Reardon, Tara  
 Whalley, Michael

Colcord, J D  
 Davis, Frank  
 Gile, Mary  
 Jacobson, Alf  
 Moore, Carol  
 Rodd, Beth

### ROCKINGHAM

Arndt, Janet  
 Carson, Sharon  
 Cooney, Richard  
 Dowling, Patricia  
 Francoeur, Sheila  
 Holland, James Jr  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Nowe, Ronald  
 Power, Lucille  
 Rausch, James  
 Splaine, James  
 Welch, David

Blanchard, MaryAnn  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Giordano, Ronald  
 Introne, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 Micklon, Stephanie  
 O'Neil, Michael  
 Putnam, Ed II  
 Robertson, Carl  
 Stritch, C Donald  
 Whittier, John

Bowles, Raimond  
 Clark, Martha Fuller  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 Pantelakos, Laura  
 Quandt, Marshall  
 Shultis, Elizabeth  
 Varrell, Thomas

Bridle, Russell  
 Coes, Betsy  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Hamel, Albert  
 Katsakiores, George  
 Langley, Jane  
 McGuire, Robert  
 Norelli, Terie  
 Pitts, Jacqueline  
 Rabideau, Marie  
 Sloan, Stephen  
 Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Goodwin, Earle  
 Johnson, Nancy  
 Musler, George  
 Rollo, Michael  
 Taylor, Kathleen

Bickford, David  
 DeChane, Marlene  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Brennan, William  
 Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Proulx, Raymond  
 Snyder, Clair  
 Woodill, Rodney

Callaghan, Frank  
 Estabrook, Iris  
 Hughes, Christopher  
 McCarthy, Gerald  
 Reid, Christopher  
 Spang, Judith

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Leone, Richard

Burling, Peter  
 Harris, Joseph  
 Odell, Bob

Cloutier, John  
 Harris, Sandra  
 Phinizy, James

Ferland, Brenda  
 Jones, Constance  
 Rodeschin, Beverly

### NAYS 78 BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Lawton, David
Rice, Thomas Jr	Rosen, Ralph		

### CARROLL

Philbrick, Donald	Sullivan, P Judith	Torressen, Gary
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### CHESHIRE

None

### COOS

Gallus, John	Rozek, Michael
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### GRAFTON

Cobb, John	Dudley, Terri	Giuda, Robert	Mirski, Paul
Sova, Charles			

### HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre
Christensen, D L Chris	Cote, Peter	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Eaton, Richard	Gleneck, David	Hall, Charles
Holden, Randolph	Jean, Loren	Lefebvre, Roland	McHugh, Claire
Salts, Greg	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Wheeler, Robert	White, Donald	

### MERRIMACK

Brewster, Richard	Dunne, Christopher	Greco, Vincent	Kennedy, Richard
Langer, Ray	Lockwood, Priscilla	Maxfield, Roy	Swindlehurst, John
Winter, Steven			

### ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dumaine, Dudley	Fesh, Bob	Gilbert, Karl
Henderson, Warren	Hill, Jonathan	Hutchinson, Karen	Itse, Daniel
Johnson, Rogers	Kelley, William	Moore, Benjamin	Packard, Sherman
Palermo, Diane	Quandt, Matthew	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Stone, Joseph	Trueman, Raymond	Weyler, Kenneth
Zolla, William			

### STRAFFORD

Albert, Russell	Brown, Julie	Ferland, Paul	Twombly, James
Woods, Phyllis			

### SULLIVAN

None

and the report was adopted.

Referred to Finance.

Rep. Gilman declared a conflict of interest and did not participate.

**HB 713-FN**, addressing public health issues relative to indoor smoking. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen G. Avery for the Majority of Commerce: The committee felt strongly that while most members didn't patronize restaurants that allowed smoking, it was not the business of the legislature to mandate a business choice of this magnitude. Under the current law, any New Hampshire community can already have smoking ordinances. The bill attempts to take a step towards banning all smoking in restaurants by creating unenforceable regulations in hope that some restaurants will



give up in attempting to comply and choose to go smoke free. The committee agrees with the sponsors that it is good business for restaurants to go smoke free, we just do not agree that the heavy hand of government is necessary. The bill, if passed, would require a ventilation system that is impossible to ensure if it is in compliance. But then exempts historic buildings from this regulation. By removing the 50 seat exemption from the current law, all but guarantees that small local diners will lose their clientele to larger restaurants and will ultimately close their doors for good. The issue of restaurant employees inhaling second hand smoke has always been treated as an employer and labor issue, and some restaurants have chosen to go smoke free for that reason. Restaurant owners obviously want their employees and their customers to be happy and to return, so it is in the best interest of the owners to address this issue without legislation. The committee supports the work of the lung association in its efforts to get restaurants to make no smoking decisions on their own and praise the lung association for their publication of a list of non-smoking restaurants in New Hampshire. Vote 13-4.

Rep. Martha Fuller Clark for the Minority of Commerce: This bill seeks to ban smoking in the dining area of all restaurants. It will allow smoking in the cocktail lounge, provided that this area is separately enclosed and has an independent ventilation system that exhausts air directly outside, rather than a ventilation system that simply filters and recirculates the air. Everyone knows that the attempt to segregate restaurant non-smoking areas from smoking areas, as required under the Current Indoor Smoking Act, is not working. Under HB 713, restaurants must either become 100% smoke-free OR they must construct floor to ceiling walls surrounding the cocktail lounge area and install a separate ventilation system that exhausts air to the outside for that particular area. The choice is theirs. Compliance is required by January 2003. Under the current Indoor Smoking Act, smoking is already prohibited in public educational facilities; childcare agencies; hospitals and other acute care facilities; grocery stores; elevators, tramways, gondolas; and public conveyances. (RSA §155:67 III-VII), as well as regulating restaurants regarding smoking areas and non-smoking areas. In the interest of public health HB 713 extends the prohibition of smoking to all dining areas of restaurants. To those who may believe that we should not be regulating restaurant businesses, it is important to note that both the state and federal government already regulate many other aspects of public health within a restaurant environment. Such regulations involve food handling and sanitary requirements for employees, including regulations as to how food is stored and prepared, as well as requiring employees to wear hairnets or having their hair tied back and to wash their hands after using the restroom. It is also important to note that requiring restaurants to be smoke-free does not hurt business. Many studies have been done on this issue. The studies have shown that business for smoke-free restaurants has, in many instances, increased. States that require all restaurants to be smoke-free include our very own neighbors, Maine and Vermont, as well as Utah and California. Current states with local smoke-free ordinances in effect for certain towns and cities are Colorado, Arizona, New York, Alaska, Georgia, Maryland, Massachusetts, Montana, North Carolina, Ohio, Oregon, Texas, Alabama, New Jersey, New Mexico, Rhode Island, Wisconsin, Minnesota, West Virginia and New Hampshire. The key issue addressed by HB 713 is that recent research unequivocally demonstrates that second hand-smoke is much more dangerous and pernicious than previously believed. The office of the U.S. Surgeon General, the National Heart, Lung and Blood Institute, the American Medical Association, the Centers for Disease Control and Prevention (CDC), and former U. S. surgeon General C. Everett Koop have all recognized and testified to the detrimental health effects of second-hand smoke. While non-smoking restaurant patrons, including children, may be exposed to second-hand smoke for an hour or two, non-smoking restaurant employees are exposed to it for their entire shift. Smoke contains carcinogens that are known to cause cancer. While we are only beginning to realize the full extent of the dangers of second-hand smoke, there is clearly enough evidence to show that it can aggravate such common conditions as asthma and other allergies. Second-hand smoke may be more harmful because the non-smoker does not have the minimal benefit that the cigarette filter provides the actual smoker. The fact is that there is no safe level of exposure to cigarette smoke. Passage of HB 713 will protect the health of both restaurant workers and restaurant patrons, and potentially save millions of dollars that are currently spent treating patients who suffer the ills of smoking and the ill effects of being exposed to second-hand smoke. Reps. Nordgren, Leishman and Bergin spoke against and yielded to questions.

Reps. Avery, Sweeney and Hunt spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 234 NAYS 120****YEAS 234****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Johnson, William  
Thomas, John

Dewhirst, Glenn  
Lawton, David  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
McGuirk, Paul  
Roberts, William

Dexter, Judson  
Meador, David  
Royce, H Charles

Emerson, Susan  
Mitchell, McKim  
Smith, Edwin

Hunt, John  
Pratt, John

**COOS**

Davis, Perley  
Landers, Dana  
GRAFTON

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gilman, G Michael  
Mirski, Paul  
Ward, Brien

Cobb, John  
Giuda, Robert  
Scanlan, David

Dudley, Terri  
Ham, Bonnie  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Cote, Peter  
Dionne, David  
Eaton, Richard  
Fletcher, Richard  
Gleneck, David  
Goulet, Maurice  
Holden, Randolph  
Kacavas, John  
Martel, Andre  
Milligan, Robert  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Thompson, Rob

Alukonis, David  
Baroody, Benjamin  
Bragdon, Peter  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Elliott, Larry  
Foster, Linda  
Goley, Jeffrey  
Graham, John  
Jean, Claudette  
Kurk, Neal  
McRae, Karen  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell  
Sullivan, Peter  
Thulander, O Alan

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Clegg, Robert Jr  
Craig, James  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaFlamme, Paul  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Seibel, Christopher  
Sweeney, Cynthia  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Clemons, Jane  
Desrosiers, William  
Drisko, Richard  
Fields, Dennis  
Gargasz, Carolyn  
Gorman, Mary  
Herman, Keith  
Johnson, Lionel  
Lessard, Rudy  
Messier, Irene  
Panagopoulos, Nicholas  
Reeves, Sandra  
Shaw, Barbara  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
L'Heureux, Stephen  
Maxfield, Roy  
Whalley, Michael

Colcord, J D  
Fraser, Leo Jr  
Langer, Ray  
Reardon, Tara  
Winter, Steven

Cummings, Raymond  
Hess, David  
Lockwood, Priscilla  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin

Bishop, Franklin  
Carson, Sharon

Bowles, Raimond  
Case, Margaret

Bridle, Russell  
Chalbeck, Kevin

Clark, Vivian  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Coes, Betsy  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Cooney, Richard  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Corbin, Corey  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Rabideau, Marie  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Albert, Russell  
Ferland, Paul  
Johnson, Nancy  
Proulx, Raymond  
Twombly, James

Berube, Roger  
Gilmore, Gary  
Knowles, William  
Reid, Christopher  
Wall, Janet

Bickford, David  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Woods, Phyllis

Brown, Julie  
Hughes, Christopher  
Musler, George  
Taylor, Kathleen

### SULLIVAN

Cloutier, John  
Odell, Bob

Ferland, Brenda  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

### NAYS 120

### BELKNAP

Millham, Alida

Nedeau, Stephen

Rosen, Ralph

Wood, Jane

### CARROLL

Quimby, Lee

Stevens, Stanley

Torressen, Gary

### CHESHIRE

Allen, Peter  
Fairbanks, Chandler  
Slack, Pamela Russell

Batchelder, Robert  
Liebl, George  
Weed, Charles

Edwards, Dana  
Manning, Joseph  
Zerba, Roger

Espiefs, Peter  
Richardson, Barbara

### COOS

Bradley, Paula

Rozek, Michael

### GRAFTON

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Williams, Burton

### HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Ginsburg, Ruth  
Hall, Charles  
Leach, Edward  
McDonough-Wallace, Alice  
Palangas, Eric  
White, John

Balcom, John  
Cardin, Lori  
Daigle, Robert  
Golding, William  
Konys, Christine  
Lefebvre, Roland  
McHugh, Claire  
Rowe, Robert  
Williams, Carol

Bellavance, Paul  
Carlson, Donald  
Dokmo, Cynthia  
Greenberg, Gary  
L'Heureux, Robert  
Leishman, Peter  
Melcher, Harold  
Spiess, Paul

Bergin, Peter  
Clayton, William  
Ford, Nancy  
Hall, Betty  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Wheeler, Robert

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hutchinson, John	Jacobson, Alf
Leber, William	Moore, Carol	Owen, Derek	Potter, Frances
Rodd, Beth	Rush, Deanna	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Dearborn, Bruce	Gilbert, Karl
Hamel, Albert	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Brennan, William	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Kaen, Naida	Pelletier, Arthur	Smith, Marjorie	Snyder, Clair
Spang, Judith	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Franklin, Peter	Harris, Joseph
Harris, Sandra	Robb, Amy		

and the majority committee report was adopted.

Rep. Tahir declared a conflict of interest and did not participate.

**HB 750-L**, relative to the development and adoption of the school administrative unit budget.  
**REFER FOR INTERIM STUDY**

Rep. Steven J. Winter for Education: During Executive Session, the committee decided that, even as amended, this bill still contained procedural questions and flaws which could be corrected by further study and re-write. Vote 9-7.

Adopted.

**HB 225**, relative to applications for recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: While the committee recognizes that there is ambiguity in the law regarding the procedure for filing for a recount, the majority is concerned that this bill will, in solving one problem, create new problems. The secretary of state has interpreted present law to require that payment accompany the application for a recount. By allowing an application by fax (as this bill would do), followed by a check, this bill would create confusion in the secretary of state's office as to the intent of the candidate. It would also create confusion if "the check did not arrive". An unintended result of this bill could be the situation in which a candidate faxes in the request on Friday knowing that he or she can, for practical purposes, rethink the decision over the weekend. Given the tight timeframes of implementing recounts, including sending staff throughout the state to collect ballots, the majority believes this bill would create practical difficulties. Vote 9-8.

Rep. Rollo spoke against.

Rep. Teschner spoke in favor.

On a division vote, 236 members having voted in the affirmative and 116 in the negative, the report was adopted.

**SB 141**, relative to proof of qualifications for voter registration. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: This bill requires proof of voter qualification be shown to supervisors of the checklist. The bill changes the word "may" to "shall" in existing statutes dealing with proof of qualification to vote in a community or ward. The majority of the committee, including some who served on the voter fraud study committee felt it was necessary to make the changes requested in this bill. Vote 11-7.

Rep. Panagopoulos spoke against and yielded to questions.

Rep. Arndt spoke in favor.

Rep. Reeves requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 233 NAYS 121****YEAS 233****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Millham, Alida  
Russell, David

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Rozek, Michael

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Scanlan, David  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Ham, Bonnie  
Solow, Martha  
Williams, Burton

Barker, Robert  
Gabler, William  
Marshall, Gene  
Sova, Charles

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Clegg, Robert Jr  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Thompson, Rob

Alukonis, David  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Cote, Peter  
Dokmo, Cynthia  
Fields, Dennis  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Messier, Irene  
Pepino, Leo  
Salts, Greg  
Spiess, Paul  
Thulander, O Alan

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Johnson, Lionel  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

Colcord, J D  
Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Soltani, Tony

Crosby, Toni  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Albert, Russell	Bickford, David	Brown, Julie	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	McCarthy, Gerald	Musler, George
Reid, Christopher	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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**NAYS 121****BELKNAP**

Johnson, William	Wood, Jane
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**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Espiefs, Peter	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda			

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cardin, Lori	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Daigle, Robert	Dionne, David	Drabinowicz, A Theresa
Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Jean, Claudette	Kacavas, John
Konys, Christine	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Martin, Mary Ellen	Melcher, Harold	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Shaw, Barbara	Sullivan, Peter
Sweeney, Cynthia	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	French, Barbara	Gile, Mary	Greco, Vincent
Jacobson, Alf	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Downing, Michael	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Berube, Roger	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the report was adopted.  
Ordered to third reading.

**HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Betty B. Hall for Environment and Agriculture: The committee believes that an entirely new bill should be introduced next session and is prepared to study what kind of a bill will provide incentives to increase our current rate of 25% - 30% to the statutory goal of 40%. Vote 18-0.  
Adopted.

**SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members. **REFER FOR INTERIM STUDY**  
Rep. Mary L. Andosca for Executive Departments and Administration: This bill has some merit but the majority of the committee felt that it was violating a cardinal rule of RSA 100 that a Group II retiree have 20 years of service and reach 45 years of age before receiving spousal and other benefits. This bill would help about 6 police retirees who retired with 20 years of service but had not reached age 45 at the time they retired. Vote 9-3.  
Adopted.

**CACR 15**, relating to a balanced budget. Providing that the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue. **INEXPEDIENT TO LEGISLATE**  
Rep. Joseph E. Stone for Finance: This constitutional amendment would have no practical effect. The sponsor on behalf of a constituent submitted this legislation so that the legislature would address the concern of the constituent. This legislation is not necessary. Vote 15-4.  
Adopted.

**HB 515-FN-L**, establishing parental choice scholarships. **REFER FOR INTERIM STUDY**  
Rep. Kenneth L. Weyler for Finance: Parental choice scholarships have at least a five-year history. A series of amendments attempted to deal with several objections. Each suggested amendment appeared to create new problems. As there appeared to be no way to resolve what could be policy decisions in the Finance Committee, it was resolved to refer to interim study. Vote 12-8.  
Adopted.

**HB 560-FN-A**, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee in majority felt that since the current system of retirement for the judiciary has produced a \$2.3 million annual outlay and nearly a \$40 million unfunded accrued liability that it was time for revision. And since the revision is taking place, we should remove the old provision that compelled a judge to work to age 65 or lose it all. In addition, we should make the plan contributory so that we can gain interest earned and reduce the net cost. As a result, you have this bill which creates a new defined benefit contributory retirement plan with the annual contributions shared equally between employer and employees. It will be administered by a seven person board of trustees and will allow someone to retire at age 60 with 20 years of service at 70% of final year's salary. If they chose to work to age 65 with 25 years of service, then the benefit would be 75% of final year's salary. A retirement obligation bond will be used to fund the unfunded liability, and when the bond is amortized, pension costs should be reduced to almost half of current costs. Until then, the annual cost for the state's share of pension obligations plus debt service on the bond will be higher than the current \$2.3 million annual pension outlay. The bill also provides a \$250 thousand general fund appropriation for start-up costs. Vote 14-3.

**MOTION TO SPECIAL ORDER**

Rep. Wheeler moved that **HB 560-FN-A**, establishing a contributory judicial retirement plan, be made a Special Order for January 17, 2002 in the regular calendar order.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 656-FN-L**, relative to the formula for distributing school building aid grants. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: After this bill was retained, the LBA delivered a performance audit on the School Construction Aid Department. The committee felt that information contained in this audit was relevant to this bill. The audit also contained an area where legislation was recommended. As the committee developed an amendment, it was felt that the areas involved should be reviewed by the Committee on Education and a new hearing should be held. Vote 20-0.  
Adopted.

**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Finance: The Finance Committee amendment preserves the brain injury program established by the policy committee but changes the method and amount of funding. The bill as it came to Finance proposed paying for the program with a dedicated fund based on two unpredictable revenue sources. In hearings before Finance, it was determined that there were significant problems in this funding approach. It was also determined that at least \$200,000 in unanticipated general fund revenues would be available from penalty assessments on fines for driving and non-driving offenses for FY 2003. The Committee amendment eliminates the dedicated fund and makes a direct budgetary program appropriation of \$400,000, half of which comes from general funds and the other half from federal funds. In the future, funding for this program will be determined through the normal budgetary process. Vote 20-0.

**Amendment (2011h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a brain injury program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Added Duty; Advisory Council; Brain Injury Program. Amend RSA 137-K:2, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Review the status of the brain injury program, established under RSA 137-K:9, and recommend to the commissioner priorities and criteria for disbursement of appropriations available to the program.

2 Rulemaking Added; Brain Injury Program. Amend RSA 137-K:3, VIII to read as follows:

VIII. *Eligibility criteria and objectives for the brain injury program, established under RSA 137-K:9.*



**IX.** Any other matter necessary for the administration of this chapter.

3 New Section; Brain Injury Program. Amend RSA 137-K by inserting after section 8 the following new section:

137-K:9 Brain Injury Program Established. There shall be established in the department a brain injury program to provide direct services on behalf of individuals and their families affected by brain injuries, including, but not limited to, community resource coordination, support of a statewide toll-free number for information and assistance, family support, advocacy and vocational support; to administer the brain and spinal cord injury registry; and to fund the injury prevention effort.

4 Supplemental Appropriation; New PAU; Brain Injury Program. Amend 2001, 130:1 by inserting after PAU 05, 01, 13, 01 the following new PAU:

FISCAL YEAR 2002

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH & HUMAN SVCS

13 DIV OF DEVELOPMENTAL SERVICES

10 NH BRAIN INJURY PROGRAM

90 PROGRAM EXPENDITURES	G	400,000
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TOTAL		400,000
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ESTIMATED SOURCE OF FUNDS FOR

NH BRAIN INJURY PROGRAM

00 FEDERAL FUNDS		200,000
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GENERAL FUND		200,000
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5 Totals Adjustment. The legislative budget assistant shall have the authority to adjust budget totals as necessitated by section 4 of this act.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes the brain injury program and inserts a new PAU into the operating budget for the program.

Adopted.

Report adopted and ordered to third reading.

**HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature. **REFER FOR INTERIM STUDY** Rep. Tony F. Soltani for Judiciary: This bill is comprised of two sections: first, creating an independent judicial conduct commission, and second, establishing a body charged with supervision and discipline or conduct of attorneys. The first part has been rendered moot by passage of SB 197, which established the new and diverse Judicial Conduct Commission. The issue of supervision and discipline of lawyers' professional conduct needs additional review and study. Vote 12-6.

Adopted.

**HB 465**, relative to the admission to practice law and to bar association membership for attorneys. **ought to PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: At present, the New Hampshire Supreme Court uses mandatory fees to license and regulate the legal profession. In this way New Hampshire is similar to surrounding states. Unlike surrounding states, however, the New Hampshire Supreme Court also requires that all licensed attorneys be members of the New Hampshire Bar Association. This association uses mandatory dues to provide services to its members and to the public and to engage in lobbying the legislature. Because the association is not a voluntary association, there are constitutional limits on its political activities. Some attorneys testified that they disagree with positions taken by the association and object to their dues being used to support those political positions. There was also testimony that the association often oversteps the constitutional limits placed on mandatory bar associations. The bill as amended would require that the members of the association vote every five years on whether the association should be mandatory. Unless the majority of members voting supports the continuation of mandatory membership in the association, then the association will become a voluntary association (but the Supreme Court will continue to regulate the profes-

sion and may assess fees for this purpose only). If membership in the association continues to be mandatory, this bill as amended protects association members in two important ways. First, consistent with the U.S. Constitution, it limits the subject matters on which the Bar Association can take positions. Officers and members of the association can lobby on any other issues they want, but cannot claim to be speaking on behalf of the association or its members and cannot use association resources. Second, the bill allows dissenting members to withhold that portion of their Bar Association dues that is used for political activities. Vote 15-3.

#### **Amendment (2062h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; State Bar Association. Amend RSA 311 by inserting after section 7-f the following new subdivision:

State Bar Association

311:7-g State Bar Association Membership; Vote Required.

I. The supreme court, pursuant to its power to regulate the practice of law under this chapter and its continuing supervisory authority over attorneys practicing before courts of this state, may assess fees for the purpose of regulating the practice of law and for maintaining a professional conduct committee.

II. The supreme court may require all persons engaged in the practice of law in this state to be members of the New Hampshire Bar Association; provided that the members of the Bar Association have approved the requirement pursuant to paragraph III.

III. The board of governors of the New Hampshire Bar Association shall place on the ballot with the election of officers of the Association, the following question: "Shall membership in the New Hampshire Bar Association be required for all attorneys licensed to practice in this state?" An affirmative vote of a majority of those voting on the question, shall allow for the requirement by the supreme court under paragraph II. Approval by the membership under this paragraph shall be valid for a 5-year period beginning on the date of the affirmative vote.

311:7-h Bar Association Legislative Activities.

I. The New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, shall be prohibited from using any part of dues paid by its members for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

II. If membership in the New Hampshire Bar Association is mandatory for attorneys under RSA 311:7-g, no person shall be permitted to engage in legislative activities on behalf of the New Hampshire Bar Association for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

III. The Bar Association may use a part of dues paid by its members, and may engage a person to lobby or influence the legislature on its behalf provided the Association:

(a) Limits its activities before the general court to those matters which are directly related to the regulation of the legal profession and improving the quality of legal services available to the people of the state. The scope of such permissible activities shall be narrowly defined; and

(b) Has determined that substantial unanimity exists within the bar as a whole in agreement with the position taken on a matter.

IV. Nothing in the section shall prevent officers and members of the Bar Association from appearing before the general court to express their views as individuals, as members of voluntary associations, or as representatives of clients.

V. Any member of the New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, may refuse to pay that portion of the Bar Association dues that are used for lobbying or influencing the legislature or other political matters.

311:7-i Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provisions or application, and to this end the provisions of this subdivision are severable.

2 Effective Date. This act shall take effect July 1, 2002.

## AMENDED ANALYSIS

This bill requires a vote at least every 5 years by licensed attorneys to authorize the supreme court to continue the requirement for mandatory membership in the New Hampshire Bar Association. The bill also defines when the New Hampshire Bar Association may lobby the general court.

Rep. Mirski spoke against.

Rep. Reid spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the amendment.

## YEAS 266 NAYS 76

## YEAS 266

## BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Russell, David	Thomas, John
Wood, Jane			

## CARROLL

Bradley, Jeb	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley

## CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Emerson, Susan	Fairbanks, Chandler	Hunt, John	Liebl, George
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

## COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozek, Michael

## GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Ham, Bonnie	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Sova, Charles	Teschner, Douglass
Williams, Burton			

## HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balcom, John	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergin, Peter	Bouchard, David
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Cardin, Lori
Carlson, Donald	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Desrosiers, William	Dionne, David	Dionne, Kimberley	Drabinowicz, A Theresa
Drisko, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Betty	Hall, Charles
Herman, Keith	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kony, Christine	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Messier, Irene
Milligan, Robert	Movsesian, Lori	Murphy, Robert	Palangas, Eric

Panagopoulos, Nicholas  
Reeves, Sandra  
Spiess, Paul  
White, Donald

Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
White, John

Pepino, Leo  
Sargent, Maxwell  
Thulander, O Alan  
Williams, Carol

Peterson, Andrew  
Shaw, Barbara  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Rodd, Beth  
Whalley, Michael

Bouchard, Candace  
Crosby, Toni  
Dunne, Christopher  
Greco, Vincent  
L'Heureux, Stephen  
Moore, Carol  
Rush, Deanna

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Swindlehurst, John

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Hutchinson, John  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Giordano, Ronald  
Holland, James Jr  
Kelley, Jane  
Major, Norman  
Morse, Charles  
Pantelakos, Laura  
Saia, Pamela  
Splaine, James  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Chalbeck, Kevin  
Corbin, Corey  
Downing, Michael  
Flanders, John Sr  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Stone, Joseph  
Whittier, John

Bowles, Raimond  
Clark, Martha Fuller  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Rausch, James  
Shultis, Elizabeth  
Stritch, C Donald  
Zolla, William

Carson, Sharon  
Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
O'Neil, Michael  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

### SULLIVAN

Allison, David  
Harris, Sandra  
Robb, Amy

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Leone, Richard

Franklin, Peter  
Odell, Bob

### NAYS 76

### BELKNAP

Lawton, David

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

Torressen, Gary

### CHESHIRE

Edwards, Dana

Roberts, William

### COOS

Gallus, John

**GRAFTON**

Akins, Ralph  
 Gabler, William  
 Mirski, Paul

Alger, John  
 Gilman, G Michael

Cobb, John  
 Giuda, Robert

Dudley, Terri  
 Lovett, Sid

**HILLSBOROUGH**

Allan, Nelson  
 Bergeron, Jean-Guy  
 Eaton, Richard  
 LaFlamme, Paul  
 Mercer, Robert  
 Sweeney, Cynthia

Arnold, Thomas Jr  
 Bragdon, Peter  
 Furman, Christine  
 Martel, Andre  
 O'Connell, Timothy  
 Tate, Joan

Artz, Lawrence  
 Bruno, Pierre  
 Gleneck, David  
 Martin, Mary Ellen  
 Salts, Greg  
 Thompson, Rob

Balboni, Michael  
 Clegg, Robert Jr  
 Holden, Randolph  
 McRae, Karen  
 Souza, Kathleen  
 Vaillancourt, Steve

**MERRIMACK**

Kennedy, Richard  
 Winter, Steven

Langer, Ray

Leber, William

Soltani, Tony

**ROCKINGHAM**

Bridle, Russell  
 Hamel, Albert  
 Itse, Daniel  
 Palermo, Diane  
 Quandt, Matthew  
 Weyler, Kenneth

Camm, Kevin  
 Hill, Jonathan  
 Kelley, William  
 Power, Lucille  
 Ruffner, Walter

Clark, Vivian  
 Hutchinson, Karen  
 Letourneau, Robert  
 Putnam, Ed II  
 Varrell, Thomas

Dowling, Patricia  
 Introne, Robert  
 Packard, Sherman  
 Quandt, Marshall  
 Welch, David

**STRAFFORD**

Albert, Russell  
 Woods, Phyllis

Cossette, Larry

Hughes, Christopher

McCarthy, Gerald

**SULLIVAN**

Harris, Joseph  
 and the amendment was adopted.

Reps. Burling, Craig, Dokmo, Espieffs, Hess, Rogers Johnson, Kacavas, Tara Reardon, Peter Sullivan and Ward declared conflicts of interest and did not participate.

The question now being the adoption of the committee report.

Rep. Potter spoke against and yielded to questions.

Rep. John Pratt spoke in favor.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 316 NAYS 24****YEAS 316****BELKNAP**

Bartlett, Gordon  
 Flanders, Donald  
 Millham, Alida  
 Russell, David

Boyce, Laurie  
 Holbrook, Robert  
 Nedeau, Stephen  
 Thomas, John

Czech, Stanley  
 Johnson, William  
 Rice, Thomas Jr  
 Wendelboe, Fran

Dewhirst, Glenn  
 Lawton, David  
 Rosen, Ralph  
 Wood, Jane

**CARROLL**

Babson, David Jr  
 Lyman, L Randy  
 Quimby, Lee

Bradley, Jeb  
 Mock, Henry  
 Stevens, Stanley

Dickinson, Howard  
 Patten, Betsey  
 Sullivan, P Judith

Kenney, Joseph  
 Philbrick, Donald  
 Torressen, Gary

**CHESHIRE**

Allen, Peter  
 Edwards, Dana

Avery, Stephen  
 Emerson, Susan

Batchelder, Robert  
 Fairbanks, Chandler

Dexter, Judson  
 Hunt, John

Liebl, George  
Mitchell, McKim  
Royce, H Charles

Manning, Joseph  
Pratt, John  
Slack, Pamela Russell

McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

Meador, David  
Roberts, William  
Zerba, Roger

### COOS

Bradley, Paula  
Horton, Lynn  
Rozek, Michael

Davis, Perley  
Landers, Dana

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

### GRAFTON

Akins, Ralph  
Benn, Bernard  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Solow, Martha

Alger, John  
Cobb, John  
Gabler, William  
Lovett, Sid  
Scanlan, David  
Sova, Charles

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Marshall, Gene  
Scovner, Nancy  
Teschner, Douglass

Barker, Robert  
Dudley, Terri  
Giuda, Robert  
Mirski, Paul  
Sokol, Hilda  
Williams, Burton

### HILLSBOROUGH

Allan, Nelson  
Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Foster, Linda  
Gleneck, David  
Gorman, Mary  
Guinta, Frank  
Jean, Claudette  
L'Heureux, Robert  
Lefebvre, Roland  
Martin, Mary Ellen  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Salts, Greg  
Spiess, Paul  
Thompson, Rob  
White, Donald

Alukonis, David  
Balboni, Michael  
Bellavance, Paul  
Bragdon, Peter  
Cardin, Lori  
Clemons, Jane  
Desrosiers, William  
Eaton, Richard  
Fletcher, Richard  
Furman, Christine  
Golding, William  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Leishman, Peter  
McHugh, Claire  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Sargent, Maxwell  
Sweeney, Cynthia  
Thulander, O Alan  
Williams, Carol

Andosca, Mary  
Balcom, John  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Dionne, David  
Elliott, Larry  
Flora, Kathleen  
Gargas, Carolyn  
Goley, Jeffrey  
Graham, John  
Herman, Keith  
Johnson, Lionel  
Lasky, Bette  
Lessard, Rudy  
McRae, Karen  
Movsesian, Lori  
Panagopoulos, Nicholas  
Reeves, Sandra  
Shaw, Barbara  
Tahir, Saghir  
Vaillancourt, Steve

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergin, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Ford, Nancy  
Ginsburg, Ruth  
Gonzalez, Carlos  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Martel, Andre  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Soltani, Tony

Bouchard, Candace  
Crosby, Toni  
Dunne, Christopher  
Geco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Clark, Martha Fuller  
Corbin, Corey

Bishop, Franklin  
Carson, Sharon  
Clark, Vivian  
Cox, Russell

Bowles, Raimond  
Case, Margaret  
Coes, Betsy  
DiFruscia, Anthony

Bridle, Russell  
Chalbeck, Kevin  
Cooney, Richard  
Dowling, Patricia

Downing, Michael  
 Flanders, John Sr  
 Gleason, John  
 Hill, Jonathan  
 Itse, Daniel  
 Kelley, Jane  
 Letourneau, Robert  
 Micklon, Stephanie  
 O'Neil, Michael  
 Power, Lucille  
 Rausch, James  
 Sapareto, Frank  
 Stone, Joseph  
 Weatherspoon, Jacquelyne  
 Zolla, William

Dumaine, Dudley  
 Francoeur, Sheila  
 Griffin, Mary  
 Holland, James Jr  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 Packard, Sherman  
 Putnam, Ed II  
 Robertson, Carl  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Fesh, Bob  
 Gilbert, Karl  
 Hamel, Albert  
 Hutchinson, Karen  
 Katsakiores, George  
 Langley, Jane  
 McGuire, Robert  
 Norelli, Terie  
 Palermo, Diane  
 Quandt, Marshall  
 Ruffner, Walter  
 Sloan, Stephen  
 Trueman, Raymond  
 Weyler, Kenneth

Flanagan, Natalie  
 Giordano, Ronald  
 Henderson, Warren  
 Introne, Robert  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Saia, Pamela  
 Splaine, James  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Albert, Russell  
 DeChane, Marlene  
 Gilmore, Gary  
 Hughes, Christopher  
 McCarthy, Gerald  
 Reid, Christopher  
 Taylor, Kathleen  
 Woods, Phyllis

Berube, Roger  
 Dunlap, Patricia  
 Goodwin, Earle  
 Johnson, Nancy  
 Musler, George  
 Rollo, Michael  
 Twombly, James

Bickford, David  
 Estabrook, Iris  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Cossette, Larry  
 Ferland, Paul  
 Heon, Richard  
 Knowles, William  
 Proulx, Raymond  
 Spang, Judith  
 Woodill, Rodney

### SULLIVAN

Allison, David  
 Harris, Sandra  
 Phinizy, James

Cloutier, John  
 Jones, Constance  
 Robb, Amy

Ferland, Brenda  
 Leone, Richard  
 Rodeschin, Beverly

Franklin, Peter  
 Odell, Bob

### NAYS 24

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Weed, Charles

### COOS

None

### GRAFTON

Nordgren, Sharon

### HILLSBOROUGH

Buckley, Raymond  
 Hall, Betty  
 White, John

Clayton, William  
 Kony, Christine

Daigle, Robert  
 McDonough-Wallace, Alice

Drabinowicz, A Theresa  
 Melcher, Harold

### MERRIMACK

Moore, Carol  
 Rush, Deanna

Owen, Derek  
 Wallner, Mary Jane

Potter, Frances

Rodd, Beth

### ROCKINGHAM

Blanchard, MaryAnn

Kelley, William

### STRAFFORD

Brennan, William

Brown, Julie

Callaghan, Frank

Snyder, Clair

## SULLIVAN

Harris, Joseph

and the report was adopted.

Ordered to third reading.

Reps. Burling, Craig, Dokmo, Espieffs, Hess, Rogers Johnson, Kacavas, Tara Reardon, Peter Sullivan and Ward declared conflicts of interest and did not participate.

**HB 589, relative to eligibility for unemployment benefits for part-time workers. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill, as amended, will allow a good cause exemption for two very narrowly defined groups of unemployed people to become eligible for unemployment compensation. They will have to meet all the current eligibility criteria, but will be able to restrict their availability if they have a history of part-time work and are providing care for a dependent child under the age of 16 or an infirm adult family member. This bill will require annual reports by the Department of Employment Security and will sunset July 01, 2005. Vote 10-3.

**Amendment (0580h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him *or her* with respect to such week fail to equal his *or her* weekly benefit amount.

*(b) An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.*

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] *The individual* has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] *The individual* has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] *The individual* is ready, willing and able to accept and perform suitable work [~~on all the shifts and during all the hours~~] for which there is a market for the services [~~he~~] *the individual* offers and that [~~he~~] *the individual* has exposed himself *or herself* to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent [~~man~~] *person* seeking work.

(d) [He] *The individual* is available for and seeking permanent, full-time work for which he *or she* is qualified.

(e) [He] *The individual* has disclosed whether or not he *or she* owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] *The individual* has participated in reemployment services when so directed by the commissioner unless he *or she* has completed such services or has good cause for failure to participate in such services.

3 New Paragraphs; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for the individual's natural, adopted, step, or foster child under the age of 16; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.



(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonable prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomers of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15 of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required thereunder, and recommendations for legislation.

4 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) [He] *The individual* has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept *any* suitable work when offered [him], or to return to [his] *the individual's* customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to [his] *the individual's* health, safety and morals; and

(B) [His] *The individual's* physical fitness; and

(C) [His] *The individual's* prior training; and

(D) [His] *The individual's* experience; and

(E) [His] *The individual's* prospects for securing, in his labor market area, work in his *or her* customary occupation; and

(F) The distance of the available work from [his] *the individual's* residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he *or she* acquired his *or her* currently available annual earnings; and

(G) [His] Prior earnings, *prior shifts and hours*, and length of unemployment, but [his] prior earnings shall be given more weight than [his] length of unemployment, *and length of unemployment shall be given more weight than prior shifts and hours*.

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If [he] *the individual* is unable to apply for or accept work during the hours of [the third] *a particular shift, [so-called;] because he or she* is the only adult available for the care of [his children] *a natural, adopted, stepchild, or foster child* under the age of [15] *16* during said hours or for the care of an ill or infirm [elderly person who is dependent on him for support] *family member whom a licensed physician has certified is in need of care for the activities of daily living*.

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

5 Repeal. The following are repealed:

I. RSA 282-A:14, II(b), relative to partial unemployment as defined by hours worked.

II. RSA 282-A:31, IV and V, relative to eligibility of individuals only available to work part-time and the commissioner's annual report thereon.

## 6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2005

II. The remainder of this act shall take effect January 1, 2002.

**AMENDED ANALYSIS**

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits. The commissioner of employment security shall prepare and submit an annual report to the speaker of the house, the senate president, and the governor on the amount of additional benefits paid and administrative expenses incurred as a result. The provisions of this bill will expire on June 30, 2005.

This bill also makes gender neutral changes to RSA 282-A:31.

Adopted.

Rep. Rogers Johnson spoke against and yielded to questions.

Rep. Whittier spoke in favor and yielded to questions.

Rep. Gilman moved Recommit to committee.

Rep. Mears and Whittier spoke against.

Rep. Nowe requested a roll call; sufficiently seconded.

The question being Recommit to committee.

**YEAS 182 NAYS 163****YEAS 182****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Lawton, David
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Thomas, John
Wendelboe, Fran			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Rozek, Michael
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**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Solow, Martha	Sova, Charles	Teschner, Douglass	Williams, Burton

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Balboni, Michael	Balcom, John
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gargas, Carolyn	Glenceck, David	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Herman, Keith	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Connell, Timothy	Pappas, Marc	Pepino, Leo

Peterson, Andrew  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Salts, Greg  
Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Soltani, Tony

Dunne, Christopher  
Langer, Ray  
Swindlehurst, John

Hess, David  
Leber, William  
Whalley, Michael

Hutchinson, John  
MacKay, James  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Carson, Sharon  
Cox, Russell  
Gilbert, Karl  
Henderson, Warren  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Case, Margaret  
Dowling, Patricia  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane  
Morse, Charles  
Power, Lucille  
Ruffner, Walter  
Stritch, C Donald  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Dumaine, Dudley  
Gleason, John  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

Camm, Kevin  
Clark, Vivian  
Fesh, Bob  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Quandt, Marshall  
Sloan, Stephen  
Welch, David

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Twombly, James

Brennan, William  
Dunlap, Patricia  
Woods, Phyllis

Brown, Julie  
Musler, George

Callaghan, Frank  
Reid, Christopher

### SULLIVAN

Ferland, Brenda

Jones, Constance

Odell, Bob

Rodeschin, Beverly

### NAYS 163

### BELKNAP

Czech, Stanley  
Rice, Thomas Jr

Dewhirst, Glenn  
Russell, David

Flanders, Donald  
Wood, Jane

Johnson, William

### CARROLL

None

### CHESHIRE

Allen, Peter  
Liebl, George  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Emerson, Susan  
McGuirk, Paul  
Richardson, Barbara

Espiefs, Peter  
Meador, David  
Slack, Pamela Russell

### COOS

Bradley, Paula  
Pratt, Leighton

Guay, Lawrence

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Lovett, Sid  
Sokol, Hilda

Benn, Bernard  
Naro, Debra  
Ward, Brien

Cobb, John  
Nordgren, Sharon

Cooney, Mary  
Scovner, Nancy

### HILLSBOROUGH

Allan, Nelson  
Bellavance, Paul  
Clayton, William  
Daigle, Robert  
Ford, Nancy  
Gorman, Mary

Andosca, Mary  
Bouchard, David  
Clemons, Jane  
Dionne, David  
Foster, Linda  
Graham, John

Artz, Lawrence  
Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Golding, William  
Hall, Betty

Baroody, Benjamin  
Cardin, Lori  
Cote, Peter  
Eaton, Richard  
Goley, Jeffrey  
Hall, Charles

Holden, Randolph  
Kony, Christine  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Jean, Claudette  
Lasky, Bette  
Melcher, Harold  
Shaw, Barbara  
White, John

Johnson, Lionel  
Leishman, Peter  
Movsesian, Lori  
Spiess, Paul

Kacavas, John  
Martin, Mary Ellen  
Palangas, Eric  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Hager, Elizabeth  
Maxfield, Roy  
Reardon, Tara

Brewster, Richard  
Cummings, Raymond  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth

Clarke, Claire  
Daneault, Gabriel  
Gile, Mary  
L'Heureux, Stephen  
Owen, Derek  
Rush, Deanna

Colcord, J D  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Flanagan, Natalie  
Holland, James Jr  
Langone, John  
Palermo, Diane  
Saia, Pamela  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Corbin, Corey  
Flanders, John Sr  
Hutchinson, Karen  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Clark, Martha Fuller  
DiFruscia, Anthony  
Francoeur, Sheila  
Kelley, Jane  
Micklon, Stephanie  
Rausch, James  
Splaine, James

Coes, Betsy  
Downing, Michael  
Hamel, Albert  
Kelley, William  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

### STRAFFORD

Berube, Roger  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Rollo, Michael  
Taylor, Kathleen

Bickford, David  
Gilmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Spang, Judith

### SULLIVAN

Allison, David  
Harris, Joseph

Burling, Peter  
Harris, Sandra

Cloutier, John  
Leone, Richard

Franklin, Peter  
Phinizy, James

and the motion to recommit was adopted.

Recommitted to Labor, Industrial and Rehabilitative Services.

**HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: This bill was introduced because the Department of Health and Human Services did not appear to allow for public input prior to placing a developmentally disabled sexual offender in a housing unit located in a Manchester neighborhood. The intent of the original bill was to prevent the possibility of any sex offenders from being housed in any state community living facilities that are located near schools or neighborhoods where children are present by requiring that those facilities come under the regulation of local zoning ordinances. The purpose of RSA 126-A:1 is "to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and community based for the citizens of New Hampshire. "This bill could have had the effect of putting the placement of all citizens with all types of disabilities at risk. However, the committee recognized that there is a need to balance the rights of the disabled with the rights of the residents of a municipality. HB 251 was retained by the committee to see if there was a process put in place that would give the communities meaningful input in the siting process of DHHS. Another bill, SB 161, was also dealing with the same population though in a different manner. SB 161 as passed by the Health, Human Services and Elderly Affairs Committee sets up a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which en-

dangers the community and who require intensive therapeutic interventions and close supervision. Based on the comprehensive process being set up in SB 161 the Municipal and County Government Committee voted to recommend Inexpedient to Legislate on HB 251 and work to ensure passage of a process that recognizes the need for balance between the rights of a disabled person and the rights residents of a municipality. Vote 14-0.  
Adopted.

### SPECIAL ORDER

#### **HB 285-FN-L, relative to the adoption of a state building code. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: There is a multiplicity of building codes in this state. This bill incorporates the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code and the National Electric Code 1999 to form the basis of the state building code to insure that the state has a uniform, modern construction code which will protect public health, safety and welfare. This act provides requirements for construction consistent with national recognized standards and will permit to the fullest extent possible the use of modern technical methods, devices and improvements. This bill also establishes the state building code review board, consisting of the Commissioner, Department of Safety or designee and 15 additional members nominated by the various affected boards and appointed by the Commissioner of Safety. The board shall meet to review and assess the application of the state building code and shall recommend legislation as the board deems necessary to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules or regulations that will promote public safety and best practices. The board shall hear appeals of variances or exceptions to the state fire code. The board shall adopt rules under RSA 541-A within six months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedures for appeals to the board and procedures for updating or changing the state building code. Vote 12-3.

#### **Amendment (1954h)**

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Findings and Purpose.**

I. The general court finds that a multiplicity of construction codes and standards currently exist in this state. The general court further finds that the model codes of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, and the National Electric Code 1999, are recognized construction codes whose uniform adoption as the state building code pursuant to this act will insure that the state has a uniform, modern construction code which will protect the public health, safety, and welfare.

##### **II. It is the intent and purpose of this act to:**

- (a) Provide requirements for construction consistent with nationally recognized standards;
- (b) Permit to the fullest extent feasible the use of modern technical methods, devices and improvements, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures; and
- (c) Insure adequate protection of the public health, safety, and welfare.

##### **2 Cities; Reference to State Building Codes. Amend RSA 47:22 to read as follows:**

47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental body of any city, is hereby empowered and authorized in the passing and adopting of ordinances, establishing codes, rules and regulations for the construction of buildings, relating to the installation of plumbing, the use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto or for the prevention of fires to adopt any ~~[nationally recognized code, rules and regulations to develop good engineering practice or safety that have been printed as a code in book form or such portions thereof by reference thereto in such ordinance]~~ **additional regulations provided that the regulations are not less stringent than the requirements of the state building code under RSA 155-A or the state fire code under RSA 153;** provided, that upon adoption of such ordinance wherein such code, rules and regulations or portions thereof have been incorporated by reference, there

shall be filed 3 copies of such codes, rules and regulations in the main office of the municipal department or agency administering the same and 3 copies in the office of the city clerk. All copies of any code, rules and regulations filed as provided herein, shall be for use and examination by the public.

3 New Hampshire Building Code; Construction Standards. RSA 155-A is repealed and reenacted to read as follows:

#### CHAPTER 155-A NEW HAMPSHIRE BUILDING CODE

155-A:1 Definitions. In this chapter:

I. "Building" means building as defined and interpreted by the International Code Council's International Building Code 2000.

II. "County" means the local legislative body of a county in which there are unincorporated towns or unorganized places.

III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51, the building inspector or other local government official with authority to make inspections and to enforce the laws, ordinances and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings.

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code 1999. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

V. "Person" means any individual or organized group of any kind, including partnerships, corporations, limited liability partnerships, limited liability companies, and other forms of association, as well as federal, state or local instrumentalities, political subdivisions, or officers.

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code 2000.

155-A:2 State Building Code.

I. Except as provided in paragraphs II and III, all buildings, building components, and structures constructed in New Hampshire beginning one year after the effective date of the section, shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. Standards, including definitions, established by the most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence over all standards in the state building code relative to means of egress.

III. All new buildings shall conform to the requirements of the state fire code adopted pursuant to RSA 153:5 and to the extent that there is any conflict between the state building code and the state fire code, the state fire code shall take precedence unless otherwise determined by the board, subject to the review provisions contained in RSA 155-A:10.

IV. To the extent that it does not conflict with any other provision of law, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

V. Except for buildings owned by the state or the university system, the issuance of certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

VI. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code pursuant to this chapter and the state fire code pursuant to RSA 153.

VII. For any municipality which has not adopted an enforcement mechanism for the state building code under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

VIII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

IX. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local building code requirements that are less stringent than the state building code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

X. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned or operated by the state unless otherwise authorized by law.

XI. No state agency, authority, board, or commission shall modify the state building code, unless approved by the state building code review board pursuant to RSA 155-A. Nothing in this chapter shall affect the statutory authority of the public utilities commission, the state board for the licensing and regulation of plumbers, or the state electricians' board, to administer their respective programs, provided that any changes to codes adopted under the rulemaking authority of these agencies shall not be implemented until approved by the state building code review board.

155-A:3 Local Amendments; Application. For a municipality which has adopted an enforcement mechanism or additional regulations to the state building code pursuant to RSA 674:51:

I. The municipality may adopt local amendments to the state building code which do not prohibit minimum implementation and enforcement of the state building code.

II. The procedure for amendment shall be in accordance with applicable statutes and local regulations.

III. At a minimum, the municipality shall ensure that implementation and enforcement includes:

- (a) Review and acceptance of appropriate plans.
- (b) Issuance of building permits.
- (c) Inspection of the work authorized by the building permits.
- (d) Issuance of appropriate use and occupancy certificates.

IV.(a) The provisions of this chapter and any local amendments under this section shall not be construed to restrict or encumber the local governing body's authority relative to the appointment, removal, or duties of municipal employees and the organization of municipal departments.

(b) Any provision of the state building code that conflicts with existing or amended local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments, shall not apply.

155-A:4 Permit Required. Before starting new construction or renovation of schools, halls, theaters or other public buildings the person responsible for such construction shall obtain a permit signed by the board of selectmen, after their due consideration of any written recommendations of the fire chief. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51, the permit under this section shall conform to the locally adopted process.

155-A:5 Accessibility of Public Buildings. Notwithstanding RSA 155-A:2, all new buildings constructed by the state or any of its agencies, and all new schools, halls, theaters or other public buildings in this state in which more than 100 people can be assembled shall be required to provide at least one entrance and exit designed so that the public areas of the entire building are accessible to persons with disabilities.

155-A:6 Inspection of State Buildings. The commissioner of safety and the commissioner of transportation shall provide for periodic safety inspection of all occupied public buildings owned by the state.

155-A:7 Enforcement Authority.

I. The local enforcement agency appointed pursuant to RSA 674:51 shall have the authority to enforce the provisions of the state building code, provided, however, that where there is no building inspector, the state fire marshal or the state fire marshal's designee shall have the authority to enforce the provisions of the state building code, subject to the review provisions contained in RSA 155-A:10.

II. Upon the request of a local enforcement agency, state agencies, boards, and commissions may provide advisory services and technical assistance concerning any building or any construction project in the local enforcement agent's jurisdiction.

III. The local enforcement agency appointed to enforce the state building code shall have the authority to inspect all buildings, structures, construction sites, and other places in the jurisdiction. If consent for such inspection is denied or not reasonably obtainable, the local enforcement agency may obtain an administrative inspection warrant under RSA 595-B.

155-A:8 Penalty. Fines, penalties, and remedies for violations of this chapter shall be the same as for violations of title LXIV, as stated in RSA 676:15 and 676:17.

155-A:9 Fees. The municipality may establish fees to defray the costs of administration, implementation, and enforcement of the state building code and any local amendments. Such fees shall be for the general use of the municipality having responsibility over the local enforcement agency.

155-A:10 State Building Code Review Board.

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and 15 additional members appointed by the commissioner of safety as follows:

(a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects established in RSA 310-A:29.

(b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(e) One representative of the state's municipalities, nominated by the New Hampshire Municipal Association.

(f) One municipal building official, nominated by the New Hampshire Building Officials Association.

(g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(h) One municipal volunteer fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(i) One building contractor, primarily engaged in the business of constructing non-residential buildings, nominated by the Associated General Contractors of New Hampshire.

(j) One building contractor primarily engaged in the business of constructing residential buildings, nominated by the New Hampshire Home Builders Association.

(k) One representative from the state energy conservation code office under RSA 155-D, nominated by the New Hampshire public utilities commission.

(l) One master plumber licensed in this state for a minimum of 5 years, nominated by the state board for the licensing and regulation of plumbers established in RSA 329-A.

(m) One mechanical contractor with a minimum of 5 years experience, primarily engaged in the business of mechanical construction, nominated by the New Hampshire Plumbing and Mechanical Contractors Association.

(n) One master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association.

(o) One representative of the Committee on Architectural Barrier – Free Design nominated by the governor's commission on disability.

II. The term of each member shall be 3 years except that persons initially appointed under subparagraphs I(a), (d), (g), (j) and (m) shall serve one-year terms, and persons initially appointed under subparagraphs I(b), (e), (h), (k) and (n) shall serve 2-year terms. The chair shall be appointed by the commissioner of safety. Board members shall be appointed for no more than 2 consecutive 3-year terms.

III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules, or regulations, and to promote public safety and best practices.



V. The board may adopt rules to update or change the state building code manuals for the codes described in RSA 155-A:1, III, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

VI. The board shall review the National Fire Protection Association Building Code and its companion manuals when published, and shall review any other building codes when published, in order to evaluate whether the state should continue with the International Building Codes and its manuals, switch to other codes or adopt a combination of codes.

#### 155-A:11 Appeals of Decisions of the State Fire Marshal.

I. The board shall hear appeals of variances or exceptions to the state fire code that have been granted or denied by the state fire marshal or the state fire marshal's designee, and appeals of a decision of the state fire marshal or the state fire marshal's designee, in enforcing provisions of the state building code pursuant to RSA 155-A:7, I.

II. The board shall hold a hearing within 40 days of receipt of a complaint, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of a hearing.

#### 155-A:12 Appeal From Board's Decision.

I. A party to the proceeding shall have the right to file a petition in the superior court of the county in which the building or structure is located to review the final order of the board within 30 days of the date of the final order.

II. At the earliest practical time, the court shall review the record as developed before the board, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the court may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the superior court. The burden of proof shall be on the appellant to show that the decision of the board was clearly unreasonable or unlawful.

III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake or misfortune could not have been offered before the board, the superior court shall remand the case to the board to receive and consider such additional evidence.

4 Energy Conservation in New Building Construction; State Building Code. RSA 155-D:2, II is repealed and reenacted to read as follows:

II. "Code for Energy Conservation in New Building Construction" or "code" means the applicable parts of the state building code as defined in RSA 155-A.

5 Modular Housing; State Building Code. RSA 205-C:1, II is repealed and reenacted to read as follows:

II. "State building code" means the state building code pursuant to RSA 155-A.

6 Modular Building Standards. Amend RSA 205-C:2 to read as follows:

205-C:2 Modular Building Standard.

I. All modular buildings and building components [~~installed in New Hampshire~~] **ordered** on or after ~~[July 24, 1992] the date one year after the effective date of RSA 155-A:2~~ shall comply with the [~~BOCA National Building Code and the National Electrical Code~~] **state building code and the state fire code**.

II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the [~~BOCA National Building Code and the National Electrical Code. Such certification~~] **state building code**, however, **such certification** shall not be deemed to preempt enforcement of any state or local standards governing installation or work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.

III. Nothing in this chapter shall be construed as amending, repealing or superseding any ~~[other state or]~~ local law, ordinance, code or regulation, and all modular buildings and building components shall comply with all applicable state or local building requirements that exceed the ~~[BOCA National Building Code or the National Electrical Code;]~~ *state building code, in addition to any* land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

7 New Paragraph; Electricians; Rulemaking. Amend RSA 319-C:6-a by inserting after paragraph V the following new paragraph:

V-a. The applicable version of the National Electrical Code with any discretionary changes, provided that any such changes are no less stringent than provided in the state building code administered and approved by the state building code review board under RSA 155-A.

8 Plumber's Board; State Plumbing Code; Adoption by Reference; Rules. Amend RSA 329-A:15 to read as follows:

329-A:15 State Code; Rules.

I. The board shall adopt such plumbing rules under RSA 541-A as it may deem necessary for the protection of the public health. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the plumbing provisions of the 1984 edition of the BOCA Basic Plumbing Code sponsored by the Building Officials and Code Administrators International, Inc.]~~ The board ~~[may]~~ *shall* adopt ~~[the BOCA code]~~ *the International Plumbing Code, as published by the International Code Council*, by reference, provided it specifies which sections of the code are in force in New Hampshire and makes specific and discretionary provisions in the code, *subject to the provisions of RSA 155-A:2, XI*.

II. The board shall periodically review the rules adopted under paragraph I to assure that they are not less stringent than the most recent edition of the ~~[BOCA]~~ *International Plumbing Code* published at the time of the review.

9 Environmental Services; Public Water Systems; Plumbing Code. Amend RSA 485:41, III to read as follows:

III. Adopt rules governing the installation of pipes, fixtures and other apparatus which are used to connect the water system to a building. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the applicable provisions of the current edition of the BOCA Basic Plumbing Code, sponsored by the Building Officials and Code Administrators International, Inc.]~~ The department ~~[may]~~ *shall* adopt the ~~[BOCA code]~~ *International Plumbing Code as published by the International Code Council* by reference, provided the department specifies which sections of the code are in force in New Hampshire and makes specific any discretionary provisions in the code subject to approval by the state building code review board. The department shall periodically review the rules adopted under this paragraph to assure that they are no less stringent than the requirements of the current ~~[BOCA]~~ code.

10 Zoning and Planning; Building Codes. RSA 674:51 is repealed and reenacted to read as follows:  
674: 51 Power to Amend State Building Code and Establish Enforcement Procedures.

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for informational purposes.

III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include, at a minimum, the following provisions:

(a) The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.

(b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5.

(c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in

RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be necessary to assure compliance with the local building code.

(d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

11 Rulemaking Required. The state building code review board established by this act shall adopt rules under RSA 541-A within 6 months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedure for appeals to the board, and procedures for updating or changing the state building code.

12 Repeal. The following are repealed:

I. RSA 205-C:1, XII, relative to the definition of the National Electrical Code.

II. RSA 674:52, relative to local adoption of building codes by reference.

III. RSA 675:9, II, relative to filing exemption for national building codes adopted by reference.

13 Effective Date.

I. RSA 155-A:10 as inserted by section 3 of this act shall take effect 30 days after its passage.

II. The remainder of this act shall take effect 180 days after its passage.

Adopted.

Reps Lockwood and Dokmo spoke against.

Rep. Mirski spoke in favor and yielded to questions.

Reps. Brundige and Clegg spoke in favor.

Rep. Dokmo requested a roll call; sufficiently seconded.

The question being adoption of the report.

## YEAS 255 NAYS 89

### YEAS 255

#### BELKNAP

Bartlett, Gordon  
Johnson, William  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Flanders, Donald  
Rosen, Ralph  
Wood, Jane

#### CARROLL

Bradley, Jeb  
Torresen, Gary

Quimby, Lee

Stevens, Stanley

Sullivan, P Judith

#### CHESHIRE

Allen, Peter  
Edwards, Dana  
Hunt, John  
Meador, David  
Roberts, William  
Zerba, Roger

Avery, Stephen  
Emerson, Susan  
Liebl, George  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Espiefs, Peter  
Manning, Joseph  
Pratt, John  
Smith, Edwin

Dexter, Judson  
Fairbanks, Chandler  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

#### COOS

Bradley, Paula  
Landers, Dana

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn

#### GRAFTON

Akins, Ralph  
Benn, Bernard  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Solow, Martha

Alger, John  
Cobb, John  
Gabler, William  
Lovett, Sid  
Scanlan, David  
Sova, Charles

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Marshall, Gene  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Dudley, Terri  
Giuda, Robert  
Mirski, Paul  
Sokol, Hilda

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Desrosiers, William	Dionne, David	Drisko, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Foster, Linda	Furman, Christine	Gargaszy, Carolyn	Ginsburg, Ruth
Gleneck, David	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Jean, Claudette	Johnson, Lionel	Kacavas, John	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Lessard, Rudy	Martel, Andre	Melcher, Harold
Mercer, Robert	Milligan, Robert	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Shaw, Barbara	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Tate, Joan	Thompson, Rob	Vaillancourt, Steve	White, Donald

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Crosby, Toni	Cummings, Raymond
Daneault, Gabriel	Dunne, Christopher	French, Barbara	Gile, Mary
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Leber, William	Maxfield, Roy	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Soltani, Tony
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McGuire, Robert	Micklon, Stephanie	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palermo, Diane	Pitts, Jacqueline
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Albert, Russell	Brennan, William	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Pelletier, Arthur	Reid, Christopher	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

**SULLIVAN**

Allison, David	Cloutier, John	Ferland, Brenda	Harris, Joseph
Harris, Sandra	Jones, Constance	Odell, Bob	Rodeschin, Beverly

### NAYS 89 BELKNAP

Dewhurst, Glenn	Holbrook, Robert	Millham, Alida	Rice, Thomas Jr
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### CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

### CHESHIRE

Royce, H Charles

### COOS

Davis, Perley	Rozek, Michael
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### GRAFTON

Nordgren, Sharon	Ward, Brien
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### HILLSBOROUGH

Allan, Nelson	Bergin, Peter	Bragdon, Peter	Buckley, Raymond
Cote, David	Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Eaton, Richard	Elliott, Larry	Flora, Kathleen
Hall, Betty	Hall, Charles	Herman, Keith	Holden, Randolph
Jean, Loren	Lefebvre, Roland	Leishman, Peter	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Messier, Irene
O'Connell, Timothy	Peterson, Andrew	Spiess, Paul	Sweeney, Cynthia
Thulander, O Alan	Wheeler, Robert	White, John	

### MERRIMACK

Brewster, Richard	Clarke, Claire	Colcord, J D	Davis, Frank
Fraser, Leo Jr	Hager, Elizabeth	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	Mackay, James	Moore, Carol	Rodd, Beth

### ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Dowling, Patricia	Johnson, Robert	Langley, Jane	Langone, John
McKinney, Betsy	Norelli, Terie	Power, Lucille	Reardon, Neil
Sapareto, Frank	Splaine, James		

### STRAFFORD

Berube, Roger	Bickford, David	Dunlap, Patricia	Estabrook, Iris
Hughes, Christopher	Knowles, William	McCarthy, Gerald	Musler, George
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair

### SULLIVAN

Burling, Peter	Franklin, Peter	Leone, Richard	Phinizy, James
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and the report was adopted.  
Ordered to third reading.

### REGULAR CALENDAR (CONT'D.)

**HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill encourages restoration and rehabilitation of historically and culturally significant buildings and structures through a public-private education process that will enhance creativity, flexibility and efficiency in such endeavors, with highest regard for life safety. Planned appropriation is \$70,000, offset by \$35,000 in private sector grants. Funds will be used for seminars and information dissemination in a variety of formats. The committee believes that the education provided to architects, engineers,

building officials and municipalities will result in higher quality applications and projects under the LCHIP Programs. The amendment authorizes the accepting of grants and adds video/electronic methodologies as low cost tools. It also provides that expenditures will be in a matching grant format with no state funds expended until matched by private sector funds. Vote 15-1.

### Amendment (2047h)

Amend the bill by replacing section 2 with the following:

#### 2 Appropriations; Purposes; Authority to Accept Grants.

I. The sum of \$22,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of cultural resources to be used for matching grants for a minimum of 4 conferences on building rehabilitation and historic preservation to be held during the biennium. The purpose of these conferences shall be to assist municipal, county, and state officials, New Hampshire Main Street organizations, regional development corporations, regional planning commissions, property owners, design professionals, and non-profit organizations to understand and develop strategies for the successful preservation and rehabilitation of historic and culturally significant buildings and structures and older commercial and industrial buildings. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of cultural resources may accept grants, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of holding the conferences. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

II. The sum of \$48,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of safety to be used for matching grants for contract services for the development, publication, and distribution of a handbook, and/or other media, that will include information on life safety, fire and building codes and standards, historic preservation codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of safety may **accept grants**, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of this project. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

### AMENDED ANALYSIS

This bill makes an appropriation to the department of cultural resources, and allows the commissioner to accept grants, for the purpose of holding 4 conferences on building rehabilitation and historic preservation. The bill also makes an appropriation to the department of safety, and allows the commissioner to accept grants, for contract services for the development, publication, and distribution of a handbook that will provide information on life safety, fire and building codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects.

Adopted.

Report adopted.

Referred to Finance.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 17, 2002 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 26**, relative to probate court procedures regarding adoptions.

**HB 668**, relative to genetic testing.

**SB 141**, relative to proof of qualifications for voter registration.

**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund.

**HB 465**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

**HB 285-FN-L**, relative to the adoption of a state building code.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 1:55 p.m.

### RECESS

(Rep. Patten in the Chair)

### RESOLUTION

Rep. Martel offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1413 and 1414 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 1413**, relative to disclosure of information by hospitals. (Francoeur, Rock 22; Pilliod, Belk 3; Marshall Quandt, Rock 20; Sokol, Graf 10; Batchelder, Ches 2; Wheeler, Dist 21; O'Hearn, Dist 12; McCarley, Dist 6; Boyce, Dist 4; Commerce)

**HB 1414-FN-A-L**, relative to the valuation method in the excavation activity tax. (Whalley, Merr 5; Burling, Sull 1; Wheeler, Hills 7; McGuirk, Ches 1; P. Davis, Coos 1; Boyce, Dist 4; Johnson, Dist 3; Burns, Dist 1; Ways and Means)

### RECESS

(Rep. Herman in the Chair)

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1000 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. (Chandler, Carr 1; Burling, Sull 1; Stohl, Coos 1; Klemm, Dist 22; Burns, Dist 1; Hollingworth, Dist 23; Resources, Recreation and Development)

### RECESS

(Rep. Gallus in the Chair)

### RESOLUTION

Rep. Francoeur offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1415 through 1420 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1415**, relative to requiring taxpayers requesting abatements to answer inquiries of the assessors, and relative to appeals of certain abatement decisions. (P. Bradley, Coos 6; Rozek, Coos 7; Gallus, Coos 7; Guay, Coos 6; Burns, Dist 1: Municipal and County Government)

**HB 1416-FN**, relative to the extent of the authority of agencies to adopt administrative rules. (Clegg, Hills 23; Mirski, Graf 12; Herman, Hills 13; Heon, Straf 14; O'Neil, Dist 18; D'Allesandro, Dist 20; Francoeur, Dist 14; Boyce, Dist 4: Executive Departments and Administration)

**HB 1417-FN-A**, eliminating the payment of the business enterprise tax on interest paid by business enterprises. (J. Sullivan, Carr 2; Rogers Johnson, Rock 25; Belanger, Rock 26; Giuda, Graf 3; Roberge, Dist 9; Francoeur, Dist 14; Boyce, Dist 4: Ways and Means)

**HB 1418**, establishing a committee to study the cost of telephone calls from state prison inmates to their families. (Weatherspoon, Rock 20; L. Johnson, Hills 40; L. Jean, Hills 17; Pitts, Rock 35; Shultis, Rock 33: Criminal Justice and Public Safety)

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement. (E. Smith, Ches 6; Chandler, Carr 1; Gorman, Hills 29; Edwards, Ches 19; Fairbanks, Ches 18; Eaton, Dist 10; Burns, Dist 1; D'Allesandro, Dist 20; Gordon, Dist 2: Public Works and Highways)

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. (P. Woods, Straf 11; Mirski, Graf 12; Soltani, Merr 10; Phinizy, Sull 7; L. Jean, Hills 17; Roberge, Dist 9; Boyce, Dist 4: Judiciary)

**RECESS****(Rep. Herman in the Chair)****RESOLUTION**

Rep. Lars Christiansen offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1100 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. (Rowe, Hills 14; Dudley, Graf 14; Soltani, Merr 10; J. Pratt, Ches 2; Herman, Hills 13; D'Allesandro, Dist 20; Johnson, Dist 3; Barnes, Dist 17: Judiciary)

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.  
Adopted.



## HOUSE JOURNAL No. 3

January 17, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever gracious Creator, in whom we live and move and have our being, we live in uncertain and dangerous times, yet also in times filled with great opportunity and hope. Today we pray for all who hold the authority of government in our nation and in our beloved New Hampshire. Especially, we ask Your blessing to be with our Governor, our House and Senate members, the members of our Supreme Court, and all local citizens who serve in town and city governments. Please give them an abundant share of wisdom, courage and compassion as they seek to promote democracy and to care for those among us who are in the greatest need. As always, we ask that Your protection be with those who serve our state and country by risking their lives to defend and preserve our precious freedom. Amen.

Rep. Lionel Johnson led the Pledge of Allegiance.

The National Anthem was sung by Ashley Mead, a student from Monadnock Regional High School.

### LEAVES OF ABSENCE

Reps. Arnold, DePecol, Dewhirst, Richard Eaton, Flanagan, Guay, Karen Hutchinson, Cecelia Kane, Lyman, Murphy, Pilliod, Saia, and Whittemore, the day, illness.

Reps. Arndt, Batchelder, Crosby, Emerton, Flora, Marilyn Fraser, Hughes, Lynde, Lessard, O'Keefe, Packard, Pantelakos, Marsha Pelletier, Salts, Seldin, Spang, Stone and Donald White, the day, important business.

Reps. Allison and Paula Bradley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Curt and Joanne Mead, Lewis and Sandra Mead, guests of the Speaker. Mari Hoell, Dick Badger, Paul Ronty, Judy Wooster, Tona Chasse, Myles Crowe, Blake Benedict and Janice Crawford of the Mount Washington Valley Chamber of Commerce, guests of the Carroll County Delegation. Chester Academy students, guests of Rep. Hamel. James Boynton, guest of Reps. Nowe and Case. Cliff Newton, guest of Rep. Albert. Steve and Polly Gilman, Debra Hudson, guests of Rep. Rush. Former Representative Merle Schotanus, guest of Rep. Jones. Michael Clemons, Daniel French and Ellen Healy, husband and guests of Rep. Clemons.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 56 and 115.

Rep. Nowe, Sen. D'Allesandro for the Committee

### RESOLUTION

Reps. Scanlan and Burling offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1421 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 1421-FN-A**, relative to criminal extradition expenses and making an appropriation therefor. (J. Flanders, Rock 18: Criminal Justice and Public Safety)

## RESOLUTION

Reps. Scanlan and Burling offer the following:

**RESOLVED**, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing an address by her Excellency, Governor Jeanne Shaheen.

Adopted.

## SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing an address by her Excellency, Governor Jeanne Shaheen.

## JOINT CONVENTION

### (Speaker Chandler presiding)

The Speaker introduced Governor Jeanne Shaheen who addressed the Joint Convention.

Mr. Speaker, Mr. President, honorable members of the House, Senate and Executive Council, my fellow citizens of New Hampshire:

I am honored to be here to report to you once again on the state of our great state of New Hampshire. This year is different. On September 11<sup>th</sup> our nation was tested. Here in New Hampshire, we lost family, friends and neighbors. We mourned, with our nation, the loss of life.

In New Hampshire we did not yield to threats and fear. I am proud that our State House was one of the few that did not shut down on September 11<sup>th</sup>.

We have celebrated a renewed American spirit. We have recommitted ourselves to the American values, to New Hampshire values, that our men and women in uniform have defended with their lives for generations: democracy and freedom, justice and opportunity.

We have a heightened appreciation for the people whose courage and tireless service make such a difference in our lives and in our communities – police officers, firefighters, National Guard members, postal workers, and all those who safeguard our public health.

Today, I ask you to please join me in recognizing six people who exemplify these every day heroes – our firefighter-lawmakers: Russ Bridle, Bill Clayton, Jeff Goley, Jim Holland, Steve L'Heureux, Eric Palangas. And let's not forget the Speaker's Chief of Staff, Manchester firefighter Terry Pfaff. And all our volunteer firefighters, please stand up. We thank you all for your service and we are honored by your presence.

We face new challenges today: threats to our security that before September 11<sup>th</sup> were unimaginable on American soil. I assure you we are meeting these new challenges. New Hampshire's emergency response systems are strong. Immediately after September 11<sup>th</sup>, I took action to make our state more secure, stepping up patrols of our harbor and bridges, increasing inspections along our highways. I answered President Bush's call to put National Guard troops at our airports. We are expanding the state's public health lab, offering biological hazard training for police officers, and taking other steps to enhance our emergency response systems. We must do more.

In the weeks following September 11<sup>th</sup>, our police and fire departments, "haz-mat" teams and state public health labs were strained to the limit responding to legitimate concerns about anthrax. But outrageously and unforgivably, some people committed hoaxes.

We will not accept that behavior in New Hampshire. Work with me, Representative Bob Clegg and Senator Hollingworth to toughen the punishment for anyone who makes phony threats or hoaxes. We must protect the people who protect us – the men and women of the New Hampshire National Guard. When I called up the Guard to protect our airports, we found an unjust omission in state law: National Guardsmen and women who are called up for state duty do not get the same employment protections as when they are called up for national duty. This is wrong. Work with me and Senators Jack Barnes and Lou D'Allesandro to correct this oversight. When the brave members of our National Guard leave their jobs to protect us here in New Hampshire, we should guarantee they will get those jobs back.

It is not just new challenges to our national security that we face, it is also new challenges to our economic security; challenges you and I must meet together. Nowhere have these economic challenges been greater than in Berlin and Gorham, devastated by the closing of their pulp and paper mills. I have directed state agencies to bring every possible resource to bear to help these communities, their workers and their families. We're getting children signed up for health coverage through

Healthy Kids. The University System established a scholarship fund so that students don't have to leave college. Working with Sen. Judd Gregg, we obtained federal grants to provide job retraining and extend unemployment benefits. We're fighting in bankruptcy court to protect the idled mills to make sure they are not damaged from the harsh North Country winter. My goal remains getting these mills operating again. And I say to the people of the North Country: I will keep fighting to get you back to work.

September 11<sup>th</sup> shook our economy, moving us faster toward the recession already hitting the rest of the country. It is up to us to take on this economic battle with all the weapons in our fiscal arsenal. We cannot afford to hesitate and simply hope for better times. We must put partisanship aside and take decisive action to make a difference now, for New Hampshire's workers, New Hampshire's businesses, New Hampshire's very economic security.

Let me today outline my plan for getting our economy back on track and our people back to work. First, we must increase unemployment benefits. I am proposing legislation that increases weekly benefits without raising payroll taxes on businesses. Our unemployment taxes are the second lowest in the nation, and I'm going to keep it that way. This bill will help laid-off workers pay for food, clothing, medical care, and other essentials. In turn, their spending will pump millions of dollars into the New Hampshire economy. Increasing unemployment benefits is the right thing to do for our workers, and the smart thing to do for our economy. Work with me and Sen. Bob Flanders, Reps. Burling and Bishop and the other sponsors of this bipartisan bill. The sooner we pass this bill, the sooner we begin helping workers who lose their jobs. Today, I ask you: fast track this legislation.

Second, we must invest our tourism promotion dollars smartly. Tourism provides billions of dollars to the state's economy and supports tens of thousands of jobs. In the past five years, with your approval, we have more than doubled our investment in tourism promotion. So after September 11<sup>th</sup> we were able to move quickly to make New Hampshire a destination for people forced to change their travel plans. As a result, New Hampshire had a banner Columbus Day weekend. I have directed our Division of Travel and Tourism to take every possible step to keep the industry strong. We are expanding our advertising in Quebec to attract more visitors from Canada. We are doing new in-state marketing to remind New Hampshire citizens of the great vacation opportunities right here in their own backyard.

Third, because state construction projects provide jobs and stimulate local economies, I've directed the Bureau of Public Works to speed up the projects included in the state's capital budget. As a result, over \$87 million of capital projects will be put out to bid by July 1<sup>st</sup>. That's a record.

Fourth, our future prosperity depends on a sustained focus on the fundamentals of a strong economy. We will continue to implement the recommendations in our comprehensive economic strategy, *New Hampshire in the New Economy*. We must maintain our efforts to expand international trade, promote our high tech sector, increase telecommunications access, lower energy costs, and improve educational opportunities and job skills.

We must continue opening new global markets for New Hampshire companies. We have invested in our International Trade Center so it can help companies get business in lucrative world markets. Trade missions I led to England and Ireland, to Denmark and Germany, and to Canada have generated an estimated \$500 million in sales for New Hampshire businesses. We must expand these global opportunities for our workers and our businesses even more. Today, I am announcing that this May I will lead a trade mission to Mexico, one of New Hampshire's largest trading partners. We must continue to nurture our high tech sector and encourage new, cutting edge industries to locate in New Hampshire, industries like those exploring biotechnology. With the mapping of the human genome, we can now imagine cures to diseases from diabetes to cancer. The State is working with businesses and higher education on a new initiative to attract biotech companies and jobs to our state. New Hampshire companies can and should be in the forefront of technology breakthroughs.

Recently many of us had an opportunity to ride one of those breakthroughs and it was great fun. Some scoff at Dean Kamen's Segway, just as 90 years ago, horse-and-buggy loyalists assumed that the automobile was a fad. I saw in Segway, as many of you did, a machine – invented and built right here in New Hampshire – a machine that could revolutionize urban transportation. It is in New Hampshire's interest for Segway to succeed. The future is now. Pass Senator Klemm's legislation to allow the use of Segways on New Hampshire sidewalks.

We have come a long way in expanding access to the high-speed Internet connections that are as important to today's commerce as interstate highways. Per capita, we have more fiber optic cable here in New Hampshire than any other New England state, including Massachusetts, and more than California or New York. Sixty-six percent of our citizens are connected to the Internet from their homes. We are among the top ten states in the country in the percentage of our companies doing business online. In the past year, we have formed public-private partnerships to create Monadnock and North Country Connects, giving businesses in rural parts of our state access to high-speed telecommunications at affordable prices. We are now working with communities to replicate this highly successful model in other parts of the state.

In New Hampshire, we know firsthand how important energy is to our economy. That's why we've begun working on the state's first ever energy plan. We must develop a plan that increases energy efficiency, protects our environment and decreases our dependence on foreign oil.

And we must keep working to bring down utility rates. I took on Public Service of New Hampshire and the other utilities to fight for lower electric rates. As a result of our work, families and businesses across New Hampshire saw their bills drop. I will not stop until every part of New Hampshire has lower rates. Businesses and families in Sullivan County are still paying too much to Connecticut Valley Electric Company. I say to the executives of CVEC over in Vermont: we did not forget you while we were wrestling with PSNH, and now you are in our sights.

We must make sure working people get the skills and job training they need to take advantage of new opportunities. Last session, with your support, we established a permanent job-training fund – a million dollars a year – to help businesses and workers adapt to changing times. Last week, I announced that companies can now apply for matching grants through our new Job Training Program for Economic Growth. This program will help companies upgrade existing jobs and create new jobs, giving first priority to small businesses.

And we must continue making smart investments in our children's schools. Because we want the best teachers in our classrooms, we have toughened professional development standards and tested 2,000 new teachers. The Best Schools Leadership Institute is helping 225 schools in 88 communities improve student performance. School report cards now let parents see how their children's schools measure up.

We want our young people to stay here in New Hampshire when they choose to go to college. Now we're giving them more reason to stay. New financial incentives through Granite State Scholars. A modern learning environment made possible by the largest capital investment ever made in the state's university system. And more people now have access to higher education at a price they can afford because we've made it easier to transfer credits between our Community Technical Colleges and the University system.

Because every child needs a strong start, we invested in the kindergarten incentive program. Thirty-four communities have added public kindergarten since that initiative was cast. Because of our actions, nearly 7,000 additional children have had the benefit of public kindergarten.

As a state, we have accepted the responsibility to ensure every child in every town the opportunity for a good education. We cannot – and should not – ever go back to a system that shortchanged some students simply because of their zip code. If legislation gets to my desk that turns back the clock on our children's education, I will veto it.

We ended the last biennium with a general fund surplus of \$35 million – allowing us to nearly triple the state's rainy day fund. But the slowing economy is now affecting our state revenues.

We must continue to exercise fiscal discipline and responsibility. I have issued an executive order reducing general fund spending by \$6.5 million this fiscal year. I will take further actions as necessary. But this is a joint responsibility. Do not pass spending bills this year unless you have identified how you are going to pay for them. In these tough economic times, we simply cannot afford it.

Our economy is directly linked to the availability of quality, affordable health care. We have done much in the last five years. The HMO Accountability Act is making sure that HMO's are providing the health care people need and deserve. From an independent appeals process when HMO's deny care to protecting health care providers who stand up for their patients, the HMO Accountability Act is making a difference for New Hampshire families.

Today, there are nearly 15,000 New Hampshire kids – that's almost as many people as live in the entire city of Laconia – 15,000 who have health care because of the Children's Health Insurance Program. I have worked hard with you to expand health insurance for children, and my goal remains simple: enroll every eligible child.

The increasing cost of prescription drugs is threatening our health care system, and I am working hard to address this problem. The drug purchasing pool we launched in November with Vermont and Maine is expected to save us \$7 million this fiscal year alone on the prescription drugs we provide to people on Medicaid. This first in the nation program will save us here in New Hampshire more than \$28 million over four years.

Since 1999, our Senior Prescription Drug Program has helped more than 2,000 seniors save more than \$2 million on their prescription drug costs. Time and again, the drug companies have gone to court to stop efforts by states to help seniors save on their medicines. And they've lobbied nonstop to extend their patents and keep cheaper generic drugs off the market. This hurts our seniors, who can't afford the medicines they need to stay healthy. This hurts our businesses, whose health insurance premiums are skyrocketing. This hurts the State budget, which has seen Medicaid costs rise. That's why I am working with other governors, businesses, and labor unions from across our country as part of a new coalition called Business for Affordable Medicine. We are fighting to push Congress to close loopholes that big drug companies exploit to keep cheaper generic drugs off the market. I am determined to end the special breaks that leave consumers – young and old – paying too much. Join me in standing up to the big drug companies.

New Hampshire is a special place. Our beautiful environment is crucial to our economic strength and to the quality of our lives. It is a legacy we want to leave our children. It is a resource we must act now to protect.

We must work to save our open spaces. Last year for the first time we provided significant funding for the Land and Community Heritage Investment Program. This year we have the chance to protect 171,000 acres in the northern part of our state – the IP lands. This land supports wildlife and countless recreational activities – from hiking to snowmobiling. It provides hundreds of jobs for loggers and forest products workers. The bipartisan leadership of the legislature and I have all agreed to bond up to \$10 million for a conservation easement and the outright purchase of the most environmentally sensitive land, including the headwaters of the Connecticut River. Protect this precious land. Pass this legislation.

We must act now to protect our water. This year we are experiencing the worst drought in fifty years. Water is a finite resource, the oil of the future. I am proposing three bills to address our water needs. One, we must protect our groundwater from big commercial withdrawals. We must remove outdated barriers that keep communities from working together. We must put in place common-sense conservation measures. Join me and Senator McCarley, Rep. Musler and the other sponsors of bipartisan legislation to protect our water for the people it rightfully belongs to – the men and women of New Hampshire.

And with the Clean Power Act, we can have cleaner air. We have the opportunity to reduce air pollution from power plants that causes global warming and illnesses like asthma. Representatives Bradley and Norelli and others have worked hard with me to craft what is sure to become model legislation. To the House, I say thank you for passing the Clean Power Act. To my former colleagues in the Senate, I urge you to stand with us for New Hampshire's environment. Pass this important legislation.

I am putting forward an ambitious, fiscally responsible agenda. Nothing less will meet the challenges we face. The state of our state is strong, and our strengths can and will overcome our challenges. As we begin this new year, let us remember September 11<sup>th</sup> not only for what we lost, but also for what we gained: a new spirit, a new energy, and a new commitment to each other, to our communities, and to our country.

This session, let us not forget that somewhere across the globe young New Hampshire men and women in uniform are risking their lives for us. We should ask ourselves each and every day, "Is what we are doing in this historic statehouse worthy of the sacrifice being made for us?" Let us do the work of the people in such a way that we may answer, "Yes." Thank you.

Sen. Francoeur and Rep. Scanlan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**(Speaker Chandler in the Chair)**

## **REGULAR CALENDAR**

**HB 507**, opening hearings in abuse and neglect cases to members of the general court and to certain other persons. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Furman for Children and Family Law: The majority of the committee felt that opening now confidential neglect and abuse court hearings to members of the general court and "other parties" did not appear to be in the best interest of children. Another bill retained by the committee accomplishes this as a pilot on a limited basis. Vote 8-6.

Rep. Itse spoke against.

Rep. Dowling spoke in favor and yielded to questions.

On a division vote, 285 members having voted in the affirmative and 48 in the negative, the report was adopted.

**SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Children and Family Law: This bill establishes a pilot project to assess open hearings in child abuse or neglect cases in Grafton County Court only and includes a legislative committee to develop evaluation criteria and provide oversight for the pilot. Vote 9-5.

#### **Amendment (2036h)**

Amend the title of the bill by replacing it with the following:

AN ACT     relative to the confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court.

Amend the bill by replacing all after the enacting clause with the following:

1 Child Protection Act; Confidentiality; Disclosure of Information Relative to Hearing. Amend RSA 169-C:25, II to read as follows:

II. It shall be unlawful for any [party] *person* present during a child abuse or neglect hearing to disclose any information concerning the hearing *that may identify a child or parent who is involved in the hearing* without the prior permission of the court. Any person who knowingly violates this provision shall be guilty of a misdemeanor.

2 Abuse and Neglect Hearings in the Grafton County Court; Pilot Project.

I. A pilot project in the Grafton county court is established to assess opening hearings in child abuse and neglect cases to the public absent a finding that opening the hearing or that disclosure of some or all of the evidence would be contrary to the best interests of the child or would cause unreasonable harm to one or more of the parties.

II. Notwithstanding RSA 169-C:14, any hearing held under RSA 169-C in the court participating in the pilot project shall be open to the public unless the court makes a specific finding, upon motion of either party or sua sponte by the court, that opening the hearing or that disclosure of some or all of the evidence would be contrary to the best interests of the child or would cause unreasonable harm to one or more of the parties. The court shall then limit admittance to the hearing only to the extent required to prevent disclosure of the harmful evidence except where a child who is the subject of the proceedings attends a hearing, in which case it shall be presumed that admitting nonparties would be contrary to the best interests of the child or would cause unreasonable harm. In any event, medical and psychological reports, records, and profiles, and testimony referring to the contents of such reports, records, and profiles, shall remain non-public. Such hearing shall, whenever possible, be held in rooms not used for criminal trials.

III. The administrative judge of the district courts shall prepare a report on the findings and recommendations of the Grafton county court relative to opening hearings in child abuse and neglect cases under the terms established by the pilot project. The administrative justice of the district courts shall provide the report to the governor, the speaker of the house of representatives, the senate president, the legislative oversight committee, the senate clerk, the house clerk, and the commissioner of the department of health and human services on or before September 1, 2003.

3 Legislative Oversight Committee Established. There is established a legislative oversight committee to monitor the progress of the pilot project in the Grafton county court.

I. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the oversight committee shall receive mileage at the legislative rate when attending to the duties of the committee.

**II. Duties.** The legislative oversight committee shall:

- (a) Establish criteria to evaluate the effectiveness of the pilot project.
- (b) Determine what costs, if any, are incurred by the court as a result of the project.
- (c) Assess the effectiveness of the project based on the established criteria and information gathered by the committee regarding the project's implementation.

**III. Chairperson; Quorum.** The members of the legislative oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

**IV. Report.** The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

4 Repeal. Section 2 of this act, relative to the pilot project in Grafton county, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect June 30, 2004.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill makes the knowing disclosure of information sufficient to identify a child or parent involved in an abuse and neglect proceeding a misdemeanor.

The bill establishes a pilot project in the Grafton county court in which abuse and neglect proceedings may be opened to the public. The bill also establishes a legislative oversight committee to monitor the progress of the pilot project.

Adopted.

Report adopted and ordered to third reading.

**SB 31, eliminating straight ticket voting. INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Election Law: The annual "straight ticket" bill once again came before the committee. Once again, members of both parties could not agree. The majority of the committee felt allowing voters to check off a straight ticket on the ballot was a right we were not willing to take away. Current law and practice of determining voter intent by Secretary of State is sufficient to clarify any doubts of moderators or during recounts. The system of straight ticket voting works and therefore needs no corrective action. Vote 10-8.

Rep. Clemons and Vaillancourt spoke against and yielded to questions.

Rep. Stritch and Clegg spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 200 NAYS 142****YEAS 200****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

**COOS**

Davis, Perley  
Rozek, Michael

Gallus, John  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Carlson, Donald  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Martel, Andre  
O'Connell, Timothy  
Rowe, Robert  
Tate, Joan

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaRose, Richard  
Mercer, Robert  
Peterson, Andrew  
Seibel, Christopher  
Thulander, O Alan

Balboni, Michael  
Bouchard, David  
Cardin, Lori  
Cote, Peter  
Dyer, Merton  
Ford, Nancy  
Gonzalez, Carlos  
Haley, Robert  
Hopper, Gary  
Leach, Edward  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Kennedy, Richard  
Maxfield, Roy

Colcord, J D  
Fraser, Leo Jr  
Langer, Ray  
Swindlehurst, John

Cummings, Raymond  
Hess, David  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Hutchinson, John  
MacKay, James  
Winter, Steven

**ROCKINGHAM**

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Zolla, William

Bishop, Franklin  
Case, Margaret  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

Bowles, Raimond  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Ferland, Paul  
Woods, Phyllis

Bickford, David  
Harrington, Michael

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Twombly, James

**SULLIVAN**

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

**NAYS 142****BELKNAP**

Johnson, William

Salatiello, Thomas

Wood, Jane

**CARROLL**

None



**CHESHIRE**

Allen, Peter	Burnham, Daniel	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

**COOS**

Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

**HILLSBOROUGH**

Andosca, Mary	Bellavance, Paul	Bragdon, Peter	Buckley, Raymond
Chabot, Robert	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda
Ginsburg, Ruth	Gleneck, David	Goley, Jeffrey	Gorman, Mary
Guinta, Frank	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	LaFlamme, Paul
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Movsesian, Lori
Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	French, Barbara	Gile, Mary	Greco, Vincent
Jacobson, Alf	Lockwood, Priscilla	Moore, Carol	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Downing, Michael	Gilbert, Karl	Kelley, Jane	Langley, Jane
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinzy, James	

and the report was adopted.

Rep. Pappas did not vote and wished to be recorded in favor.

**HB 298-FN-L**, relative to charter schools and establishing a charter school revolving fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Existing charter school legislation has been too restrictive to allow any founding of charter schools in our state. The amendment replaces the bill and makes these significant changes: The state Board of Education is the approving authority for charter schools.

They will grant no more than two per year for the next ten years. Funding per student will be from the state adequate education grant. A district may forward the money to the charter school, or issue a reimbursement anticipation note. In the case of the note, the grant money will be delayed until the next Average Daily Membership Report (ADMR) shows the students transfer. This could be as long as three years. Transfer requisitions must be made six months in advance. Not more than 5 percent of the resident pupils in any grade shall be eligible to transfer to a charter school in any year without the approval of the local school board. Vote 11-9.

#### **Amendment (2016h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new sections:

194-B:3-a Charter School Approval by State Board of Education.

I. Notwithstanding RSA 194-B:3, III or RSA 194-B:4, a proposed application and contract to establish a charter school may be presented by July 1 of the year preceding intended operation of a charter school by its prospective board of trustees directly to the state board of education. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II. An applicant shall be notified of any missing information within 10 days of the initial filing.

II. The state board of education is hereby authorized to grant charter status to charter school applicants qualifying under this chapter. By September 15 of the given year, the state board of education shall have completed its review of the application and shall either grant or deny its approval in accordance with the requirements set forth in RSA 194-B:3, II.

III. The state board of education shall forward the proposed application, along with its approval or denial, and a written statement specifying any areas deemed deficient to the applicant. The state board of education is authorized to suggest amendments or alterations to the proposed application.

IV. An applicant whose proposed application is not approved by the state board of education shall be granted the opportunity to present a revised application for reconsideration. The state board of education may provide technical assistance to improve a charter school's application or to speed the approval process.

V. A charter school approved in accordance with this section shall be subject to, and in compliance with, the provisions of this chapter, except as provided in paragraph I.

VI. Beginning January 1, 2002, and for the next 10 years thereafter, the state board of education shall be authorized to grant no more than 2 state charter school applications each year under the provisions of this section.

194-B:3-b Funding for State Board of Education Approved Charter Schools. Notwithstanding RSA 194-B:11, a charter school approved under RSA 194-B:3-a shall be funded as follows:

I. Issuance of Reimbursement Anticipation Notes.

(a) The pupil's resident school district shall pay cash or issue a reimbursement anticipation note as set forth in RSA 198:20-d for each year in which a resident pupil attends a charter school approved by the state board of education. The reimbursement anticipation note shall be in the amount of the average base cost per pupil of an elementary or high school pupil, as calculated under RSA 198:40, for the year of attendance at the charter school, and shall be issued to the charter school prior to the beginning of the school year of the charter school. Each reimbursement anticipation note issued shall be for a term of 3 years from the date of issue or would be redeemable by the charter school at such time as the charter school or the pupil's resident school district receives adequate education grant amounts pursuant to RSA 198:42.

(b) Upon receipt of such reimbursement anticipation notes, the charter school may elect to borrow funds for the purpose of meeting general operating and maintenance expenses for charter school operations.

(c) An educationally disabled child's resident school district shall remain liable for providing special education programs and services under RSA 186-C while such child attends a charter school outside of his or her resident school district.

(d) The commissioner of the department of education shall adopt rules, pursuant to RSA 541-A, relative to pupils who change residency or transfer to a charter school, provided that the rules adopted shall require that a pupil transferring to a charter school shall notify the resident school district at least 6 months prior to the transfer, and that not more than 5 percent of the resident pupils in any grade shall be eligible to transfer to a charter school in any school year without the approval of the local school board.

II. Direct Assignment of Payment. As an alternative to paragraph I and subject to a written agreement by the school district and the charter school:

(a) A pupil seeking to attend a charter school established under RSA 194-B:3-a shall notify the pupil's resident school district of his or her intent not later than 6 months prior to the proposed date of attendance.

(b) Prior to the adoption of the annual budget, a school district shall determine the total number of resident pupils in each school year who will be attending a charter school established under RSA 194-B:3-a.

(c) The school district, in its budget, shall approve the payment of adequate education grants directly to the charter school for each resident pupil attending a charter school. Adequate education grant payments to the charter school shall be distributed in accordance with the schedule set forth in RSA 198:42.

2 School Money; Education Trust Fund Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

1. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, [and] to provide education property tax hardship relief under RSA 198:55, *and to make payments for pupils attending charter schools established under RSA 194-B:3-a*. The state treasurer shall deposit into this fund immediately upon receipt:

3 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill establishes a charter school approval process directly through the state board of education and provides for funding such charter schools either through the use of reimbursement anticipation notes for each pupil attending a charter school, or by the adoption of a budget by the school district which includes the necessary amounts directly payable to the charter school.

Adopted.

Rep. Burling offered a floor amendment (2176h).

### Floor amendment (2176h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a charter school approval process directly through the state board of education.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education.

I. Notwithstanding RSA 194-B:3, III or RSA 194-B:4, a proposed application and contract to establish a charter school may be presented by July 1 of the year preceding intended operation of a charter school by its prospective board of trustees directly to the state board of education. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II. An applicant shall be notified of any missing information within 10 days of the initial filing.

II. The state board of education is hereby authorized to grant charter status to charter school applicants qualifying under this chapter. By September 15 of the given year, the state board of education shall have completed its review of the application and shall either grant or deny its approval in accordance with the requirements set forth in RSA 194-B:3, II.

III. The state board of education shall forward the proposed application, along with its approval or denial, and a written statement specifying any areas deemed deficient to the applicant. The state board of education is authorized to suggest amendments or alterations to the proposed application.

IV. An applicant whose proposed application is not approved by the state board of education shall be granted the opportunity to present a revised application for reconsideration. The state board of education may provide technical assistance to improve a charter school's application or to speed the approval process.

V. A charter school approved in accordance with this section shall be subject to, and in compliance with, the provisions of this chapter, except as provided in paragraph I.

VI. Upon the effective date of this section, and for the next 10 years thereafter, the state board of education shall be authorized to grant no more than 2 state charter school applications each year under the provisions of this section.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a charter school approval process directly through the state board of education.  
Reps. Cox and Weyler spoke against and yielded to questions.  
Rep. Henderson spoke against.  
Rep. Burling spoke in favor.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question being adoption of the floor amendment(2176h).

YEAS 131 NAYS 217

YEAS 131  
BELKNAP

Johnson, William	Salatiello, Thomas	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Burnham, Daniel	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

COOS

Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, David	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul
Ford, Nancy	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Jean, Claudette	Johnson, Lionel
Konys, Christine	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Martin, Mary Ellen	Melcher, Harold	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Davis, Frank
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard
Kelley, Jane	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pitts, Jacqueline	Shultis, Elizabeth	Spaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Goodwin, Earle
Grassie, Anne	Johnson, Nancy	Kaen, Naida	Knowles, William

Lent, Donald  
Rollo, Michael  
Wall, Janet

McCarthy, Gerald  
Smith, Marjorie  
Woodill, Rodney

Pelletier, Arthur  
Snyder, Clair

Proulx, Raymond  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Franklin, Peter  
Phinizy, James

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Leone, Richard

### NAYS 217

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

### COOS

Davis, Perley  
Rozek, Michael

Gallus, John  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Dyer, Merton  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Seibel, Christopher  
Tate, Joan  
Wheeler, Robert

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Elliott, Larry  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Thompson, Rob

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Sullivan, Peter  
Thulander, O Alan

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Leber, William  
Soltani, Tony

Brewster, Richard  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Robertson, Carl	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stritch, C Donald	Varrrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Albert, Russell	Brown, Julie	Cossette, Larry	Harrington, Michael
Heon, Richard	Musler, George	Reid, Christopher	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Odell, Bob	Rodeschin, Beverly
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and the floor amendment failed.

The question now being adoption of the report.

Reps. Estabrook and Foster spoke against.

Rep. Hunt spoke in favor; yielded to questions and requested a roll call; sufficiently seconded.

**YEAS 204 NAYS 150**

**YEAS 204****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Gallus, John	Horton, Lynn	Landers, Dana	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson  
 Batula, Peter  
 Bruno, Pierre  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Fletcher, Richard  
 Golding, William  
 Guinta, Frank  
 Hopper, Gary  
 LaFlamme, Paul  
 McHugh, Claire  
 Messier, Irene  
 Pepino, Leo  
 Seibel, Christopher  
 Tate, Joan

Alukonis, David  
 Bergeron, Jean-Guy  
 Calawa, Leon Jr  
 Clegg, Robert Jr  
 Dyer, Merton  
 Furman, Christine  
 Gonzalez, Carlos  
 Hall, Charles  
 Jean, Loren  
 Lefebvre, Roland  
 McRae, Karen  
 Milligan, Robert  
 Reeves, Sandra  
 Souza, Kathleen  
 Thompson, Rob

Artz, Lawrence  
 Bouchard, David  
 Carlson, Donald  
 Coughlin, Pamela  
 Elliott, Larry  
 Gargas, Carolyn  
 Goulet, Maurice  
 Herman, Keith  
 Kurk, Neal  
 Martel, Andre  
 Melcher, Harold  
 Moran, Edward  
 Rowe, Robert  
 Sullivan, Peter  
 Thulander, O Alan

Balboni, Michael  
 Brundige, Robert  
 Chabot, Robert  
 Desrosiers, William  
 Fields, Dennis  
 Gleneck, David  
 Greenberg, Gary  
 Holden, Randolph  
 L'Heureux, Robert  
 Martin, Mary Ellen  
 Mercer, Robert  
 Pappas, Marc  
 Sargent, Maxwell  
 Tahir, Saghir  
 Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
 Feuerstein, Martin  
 Kennedy, Richard  
 MacKay, James  
 Whalley, Michael

Colcord, J D  
 Fraser, Leo Jr  
 L'Heureux, Stephen  
 Maxfield, Roy  
 Winter, Steven

Cummings, Raymond  
 Hess, David  
 Langer, Ray  
 Soltani, Tony

Dunne, Christopher  
 Hutchinson, John  
 Leber, William  
 Swindlehurst, John

**ROCKINGHAM**

Belanger, Ronald  
 Carson, Sharon  
 Corbin, Corey  
 Dowling, Patricia  
 Francoeur, Sheila  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Rogers  
 Kobel, Rudolph  
 McKinney, Betsy  
 O'Neil, Michael  
 Putnam, Ed II  
 Reardon, Neil  
 Stritch, C Donald  
 Whittier, John

Bishop, Franklin  
 Chalbeck, Kevin  
 Cox, Russell  
 Dumaine, Dudley  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Holland, James Jr  
 Katsakiores, George  
 Langley, Jane  
 Moore, Benjamin  
 Palermo, Diane  
 Quandt, Marshall  
 Ruffner, Walter  
 Varrell, Thomas  
 Zolla, William

Bridle, Russell  
 Clark, Martha Fuller  
 Dalrymple, Janeen  
 Fesh, Bob  
 Gilbert, Karl  
 Hamel, Albert  
 Introne, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Morse, Charles  
 Power, Lucille  
 Quandt, Matthew  
 Sapareto, Frank  
 Welch, David

Camm, Kevin  
 Clark, Vivian  
 Dearborn, Bruce  
 Flanders, John Sr  
 Giordano, Ronald  
 Henderson, Warren  
 Itse, Daniel  
 Kelley, William  
 Major, Norman  
 Nowe, Ronald  
 Priestley, Anne  
 Rausch, James  
 Sloan, Stephen  
 Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
 Harrington, Michael  
 Twombly, James

Bickford, David  
 Kaen, Naida  
 Woods, Phyllis

Cossette, Larry  
 Musler, George

Goodwin, Earle  
 Reid, Christopher

Leone, Richard

Odell, Bob

Rodeschin, Beverly

**NAYS 150****BELKNAP**

Rice, Thomas Jr

Salatiello, Thomas

Wood, Jane

**CARROLL****CHESHIRE**

Allen, Peter  
 Meader, David  
 Richardson, Barbara

Espiefs, Peter  
 Mitchell, McKim  
 Slack, Pamela Russell

Manning, Joseph  
 Pratt, Irene  
 Weed, Charles

McGuirk, Paul  
 Pratt, John  
 Zerba, Roger

**COOS**

Davis, Perley	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Williams, Burton

**HILLSBOROUGH**

Andosca, Mary	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, David	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter
McDonough-Wallace, Alice	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Coes, Betsy
Cooney, Richard	DiFruscia, Anthony	Downing, Michael	Johnson, Robert
Kelley, Jane	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Grassie, Anne	Heon, Richard	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Phinizy, James			

and the report was adopted.

Ordered to third reading.

**SPECIAL ORDER**

**HB 560-FN-A**, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee in majority felt that since the current system of retirement for the judiciary has produced a \$2.3 million annual outlay and nearly a \$40 million unfunded accrued liability that it was time for revision. And since the revision is taking place, we should remove the old provision that compelled a judge to work to age 65 or lose it all. In addition,



we should make the plan contributory so that we can gain interest earned and reduce the net cost. As a result, you have this bill which creates a new defined benefit contributory retirement plan with the annual contributions shared equally between employer and employees. It will be administered by a seven person board of trustees and will allow someone to retire at age 60 with 20 years of service at 70% of final year's salary. If they chose to work to age 65 with 25 years of service, then the benefit would be 75% of final year's salary. A retirement obligation bond will be used to fund the unfunded liability, and when the bond is amortized, pension costs should be reduced to almost half of current costs. Until then, the annual cost for the state's share of pension obligations plus debt service on the bond will be higher than the current \$2.3 million annual pension outlay. The bill also provides a \$250 thousand general fund appropriation for start-up costs. Vote 14-3.

### **Amendment (2049h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to create a defined benefit contributory retirement plan for the judiciary; to allow benefits to be influenced by interest earned; to allow greater flexibility in benefits; and to eliminate over time the budgetary pay-as-you-go system.

2 New Chapter; Judicial Retirement Plan. Amend RSA by inserting after chapter 100-B the following new chapter:

### **CHAPTER 100-C JUDICIAL RETIREMENT PLAN**

100-C:1 Definitions. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

I. "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member.

II. "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of the mortality tables last adopted by the board of trustees.

III. "Actuary" means:

(a) A member of the American Academy of Actuaries; or

(b) An individual who has demonstrated to the satisfaction of the board of trustees that such individual has the educational background necessary for the practice of actuarial science and has had at least 7 years of actuarial experience.

IV. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this chapter.

V. "Board of trustees" or "board" means the board provided for in RSA 100-C:12.

VI. "Creditable service" means prior service plus membership service, as provided in RSA 100-C:4.

VII. "Earnable compensation" means a member's annual salary.

VIII. "Judicial retirement plan" or "plan" means the New Hampshire judicial retirement plan as defined in RSA 100-C:2.

IX. "Member" means any full-time supreme court, superior court, district court, or probate court judge.

X. "Member annuity" means annual payments for life derived from the accumulated contributions of the member.

XI. "Membership service" means service rendered while a member of the judicial retirement plan.

XII. "Predecessor system" means any state retirement plans or systems for judges in effect prior to the date of implementation of the judicial retirement plan by this chapter.

XIII. "Regular interest" means interest at such rate or rates compounded annually as may be set from time to time by the board of trustees.

XIV. "Retirement" means withdrawal from active service with a retirement allowance granted under the provisions of this chapter.

XV. "Retirement allowance" means the sum of the member annuity and the state annuity. All retirement allowances shall be payable in equal monthly installments which shall cease with the last monthly payment prior to death, unless otherwise specifically provided for in this chapter; provided, however, that if the retirement allowance is less than \$10 per month, it may be paid, at the discretion of the board of trustees, in quarterly or semiannual installments due at the midpoint of such period, or in a lump sum of equivalent actuarial value.

XVI. "Retirement system" means the New Hampshire retirement system as defined in RSA 100-A:2.

XVII. "Service" means service as a supreme court, superior court, full-time district court, or full-time probate court justice.

XVIII. "State" means the state of New Hampshire.

XIX. "State annuity" means annual payments for life derived from contributions by the state.

XX. "Terminal funding" means providing the full present value of the total liability for benefit improvement. Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-C:14, III(g).

#### 100-C:2 Establishment of Judicial Retirement Plan.

I. The judicial retirement plan is hereby established. It shall be known as the New Hampshire judicial retirement plan, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held in trust for the purpose for which received. It is intended for all time to meet the requirements of a qualified pension trust within the meaning of section 401(a), and to qualify as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended. It is a defined benefit plan providing disability, death, and retirement protection to members and their families.

II. The board of trustees shall have the exclusive authority and full power to invest and manage those assets of the judicial retirement plan and may cause any stock or other securities to be registered and held in the name of a nominee without mention of the judicial retirement plan's ownership, provided that no nominee shall have possession of or access to the stock or other securities unless the nominee shall be an officer of a corporate custodian of such stock or other securities, in which case the custodian shall maintain on its books accurate and current records of the New Hampshire judicial retirement plan's interest in such stock or other securities and the custodian shall be strictly liable for all acts or omissions of the nominee in connection with such stock or other securities and the nominee shall be bonded by the custodian.

III. All benefits to which any member or beneficiary of this judicial retirement plan may be entitled to receive under the provisions of RSA 490:2; RSA 491:2; RSA 502-A:6-a, or RSA 547:2-a, if any, shall be offset by those benefits to which such members or beneficiaries may be entitled under the judicial retirement plan established in this chapter.

100-C:3 Membership. Membership in the judicial retirement plan shall be mandatory for any full-time supreme court, superior court, district court, or probate court judge.

#### 100-C:4 Creditable Service.

I. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist only of that membership service since such judge became a member of the judicial retirement plan plus that service credited a member for retirement allowance under RSA 490:2; RSA 491:2; RSA 502-A:6-a, or RSA 547:2-a, if any.

II.(a) The board shall fix and determine by appropriate rules how much service in any year is equivalent to one year of service, but in no case shall it allow credit for a period of absence without pay of more than a month's duration, nor shall more than one year of service be creditable for all service in a calendar year. Service rendered for the full normal working time in any year shall be equivalent to one year's service.

(b) Notwithstanding the provisions of subparagraph (a) or any other law to the contrary, any member who receives a weekly award under the provisions of RSA 281-A from the commissioner of labor, for injury arising out of and in the course of employment, shall be entitled to creditable service for the period not in excess of one year. To receive creditable service, a member shall file a department of labor memo of payment of disability compensation form, with the board of trustees, verifying the first and last payment of disability compensation not later than one year after the date of each new unrelated injury.

III. Notwithstanding the provisions of paragraph II of this section, any member who is absent without salary due to a disability for which the member is compensated by a salary continuance plan which is funded wholly or partially by the state shall continue to accrue creditable service until such time as the member returns to work, dies, retires, or is no longer compensated by such salary continuance plan. Amounts received under such salary continuance plan are earnable compensation to the extent attributable to state funding and shall be subject to the regular member contributions required under RSA 100-C:15 and the required state contributions, if applicable, as are in effect from time to time. All such contributions shall be remitted to the judicial retirement plan in accor-

dance with remittance procedures of the board of trustees. Any member who is absent without salary due to a disability for which the member is compensated by a salary continuance plan which has not been funded in whole or in part by the state shall not accrue any creditable service for the period of such absence. Further, amounts received from such salary continuance plan shall not be included as earnable compensation for purposes of the judicial retirement plan.

**100-C:5 Service Retirement Benefits.**

I. Any member who has at least 10 years of creditable service and is at least 60 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

II. A member who is at least 60 years of age with 20 years of creditable service may retire on a service retirement allowance equal to 70 percent of the member's final year's salary.

III. A member who is at least 60 years of age but who has not attained 20 years of creditable service may retire on a reduced service retirement allowance calculated as follows:

(a) Determine the retirement allowance the member would have been eligible for under paragraph II if the member had 20 years of service.

(b) Multiply 3 ½ percent of the allowance in subparagraph (a) by the number of full years of creditable service needed for the member to reach 20 years.

(c) Subtract the product in subparagraph (b) from the amount determined in subparagraph (a). The result is the reduced service retirement allowance for the member.

IV. A member who has at least 20 years of creditable service and is at least 60 years of age shall be granted an additional percent over the 70 percent level for each year of continued service until the age of 65. A member who is at least 65 years of age with 25 years of creditable service may retire on a service retirement allowance equal to 75 percent of the member's final year's salary. Under no circumstance shall a service retirement allowance exceed 75 percent of the member's final year's salary. Any member attaining eligibility for 75 percent of final year's salary under this paragraph shall not be required to make employee contributions to the plan pursuant to RSA 100-C:15.

**100-C:6 Disability Retirement Benefits.** Regardless of a member's length of service, any member who becomes permanently and totally disabled may apply to the board of trustees to retire on a disability retirement allowance not less than 30 nor more than 90 days subsequent to the filing of such application. Such application shall be granted provided that a physician or physicians designated by the board of trustees, after a medical examination of such member, certifies that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such person should be retired. A member's disability retirement allowance shall be equal to 66 2/3 percent of the member's final salary where the disability is the result of an accident, repeated trauma or occupational disease occurring while in the performance of duty or arising out of or in the course of employment. For a disability not occurring while in the performance of duty or arising out of or in the course of employment, a member's disability retirement allowance shall be equal to 50 percent of the member's final salary. A member who retires on a disability retirement allowance shall lose eligibility for said allowance if in any calendar year the member's earned income, as defined under the Internal Revenue Code, exceeds 15 percent of the annual amount of compensation currently payable for the judicial position last held by said member.

**100-C:7 Vested Deferred Retirement Benefit.**

I. A member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a judge may elect, in lieu of the refund of accumulated contributions under RSA 100-C:9, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance.

II. At any time after attainment of age 60, a member who has made such election may apply for and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance or the reduced service retirement allowance payable under RSA 100-C:5, based on the member's age when the vested deferred retirement allowance begins and on the member's final year's salary and creditable service at the time service is terminated.

**100-C:8 Optional Allowance.**

I. Any member who has reached service retirement age as provided in RSA 100-C:5 or RSA 100-C:7, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a reduced retirement allowance of equivalent actuarial value payable during the retired member's life, with the provision that it shall continue after the member's death at 1/2 the rate paid to the member and be paid for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement. When the member elects to receive the optional retirement allowance, the beneficiary or beneficiaries whom the member nominates may include the member's spouse and/or children. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election if made during the 120-day grace period. When an election is made during the 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree.

II.(a) Any retired member who has elected the optional allowance and whose beneficiary nominated by the retiree was the retiree's spouse at the time of such election, may terminate such elected option upon the issuance of a divorce decree and subsequent remarriage of the former spouse. Upon termination, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of termination of the option shall continue in effect and shall not be adjusted as a result of the termination. Notice of such termination shall be given by the retiree on a form designated by the board. Payment of the converted allowance shall commence on the first day of the month following receipt of termination by the board. Said termination action shall become effective on the first day of the month following receipt of such notice by the board. If the retiree dies after giving valid notice of such termination but before the effective date, the option shall terminate as of the date of the retiree's death.

(b) Where a retired member has elected an optional allowance, and has designated a single beneficiary, the beneficiary may at any time voluntarily renounce his or her right to any future benefits by signing and filing with the board a form designated by the board. Upon such renunciation, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of renunciation of the option shall continue in effect and shall not be adjusted as a result of the renunciation. The renunciation shall become effective, and payment of the converted allowance shall commence, on the first day of the month following receipt of the signed form by the board. If the retiree dies after the board's receipt of such renunciation but before the effective date, the option shall terminate as of the date of the retiree's death.

#### 100-C:9 Return of Members' Contributions.

I. If a member ceases to be a judge for reasons other than retirement or death and if such member has not elected to receive a vested deferred retirement allowance under RSA 100-C:7, the amount of such member's accumulated contributions shall be paid to such member within 3 months after such member's written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be a judge. Upon the refund of such contributions all rights of the member, any beneficiary, and any survivor of the member under this chapter shall terminate.

II. Upon the death of a member in service who does not have a surviving spouse or dependent children, the amount of the member's accumulated contributions shall be paid to any beneficiary or beneficiaries nominated by the member, if living, or otherwise to the member's estate.

III. Upon the death of a member, who does not have a surviving spouse or dependent children, after retirement allowance payments have commenced, any excess amount of the member's accumulated contributions at retirement over the sum of the retirement allowance payments received shall be paid in one sum to the beneficiary or beneficiaries nominated by the member, if living, otherwise to the member's estate.

IV. Upon the death of a member who has a surviving spouse or dependent children and who had not elected the optional allowance under RSA 100-A:8, the amount of the member's accumulated contributions shall be paid to the surviving spouse or dependent children.

V. The return of a member's contributions shall include accrued interest at such rates as the board of trustees may from time to time determine in its discretion.

100-C:10 Designation of Beneficiaries; Effect. When more than one person is designated by the member as beneficiary under this chapter, the member may provide the portion of the whole sum which each designee shall receive and may also provide that on the death of one of multiple designees the share of that designee shall automatically be added to the share of another or other designees or be payable to the estate of the member.

100-C:11 Maximum Benefit Limitations. Notwithstanding any other provisions of this chapter, the maximum benefit payable to any retired member or beneficiary of the New Hampshire judicial retirement plan shall be limited to such extent as may be necessary to conform to the requirements of sections 401(a)(9) and 415 of the United States Internal Revenue Code of 1986 for a qualified retirement plan.

100-C:12 Administration and Delegation.

I. The judicial retirement plan shall be administered by a board of trustees, which shall be separate from the board of trustees of the New Hampshire retirement system. The board of the judicial retirement plan shall have the exclusive authority and full power to administer and to invest and manage those assets of the judicial retirement plan.

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court and the administrative justices of the district and probate courts, shall appoint 3 trustees, who shall be active members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

III.(a) In addition to those other powers conferred herein, the board of trustees shall have exclusive authority and full power, consistent with the board's duties under this chapter, to:

(1) Establish an administrative budget sufficient to exercise the board's powers and to perform the board's duties and, as appropriate and reasonable, draw upon assets of the plan to fund the budget;

(2) Obtain by employment or contract the services necessary to exercise the board's powers and perform the board's duties, including actuarial, auditing, custodial, investment, and legal services; and

(3) Procure and dispose of goods and property necessary to exercise the board's powers and perform the board's duties.

(b) In exercising its authority under this section, the board shall be subject to the fiduciary duties of this chapter, but not to civil service, personnel, procurement, or similar general laws relating to the subjects of subparagraph III(a).

IV. The members of the board of trustees shall serve without compensation but shall be reimbursed for actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

V. Each trustee shall be entitled to one vote in the board of trustees. Five trustees shall constitute a quorum for the transaction of any business. Four trustees voting shall be necessary for any resolution or action by the board at any meeting.

VI.(a) The board may engage such administrative services as may be required to transact the business of the judicial retirement plan. The compensation for such services, and all other necessary expenses of the board shall be paid at such rates and in such amounts as the board shall approve. The New Hampshire retirement system may be engaged to provide such administrative services to the judicial retirement plan on such terms as the board of trustees of each plan may both agree.

(b) The board may delegate functions, including the administration of the plan, that a prudent trustee acting in a like capacity and familiar with such matters could properly delegate under the circumstances.

(c) The board shall exercise reasonable care, skill, and caution in:

- (1) Selecting an agent, including administrator of the judicial retirement plan;
- (2) Establishing the scope and terms of the delegation, consistent with the purposes and terms of this chapter; and
- (3) Periodically reviewing the agent's performance and compliance with the terms of the delegation.

(d) In performing a delegated function, an agent owes a duty to the judicial retirement plan and to its members and beneficiaries to comply with the terms of the delegation and, if a fiduciary, to comply with the duties imposed by this chapter.

(e) A trustee of the board who complies with subparagraphs (b) and (c) shall not be liable to the plan or to its members or beneficiaries for the decisions or actions of the agent to whom the function was properly delegated.

(f) By accepting the delegation of a function from the board, an agent submits to the jurisdiction of the courts of this state.

(g) The board may limit the authority of an agent to further delegate functions under this section.

VII. The board shall keep a record of all of its proceedings. In furtherance of public disclosure:

(a) The board by the plan administrator shall prepare and disseminate:

- (1) A summary plan description of the judicial retirement plan;
- (2) A summary description of any material modification in the terms of the plan and any material change in the information required to be contained in the summary plan description, to the extent the modification or change has not been integrated into an updated summary plan description;
- (3) An annual disclosure of the plan's financial and actuarial status; and
- (4) An annual report.

(b) The board shall make available for public examination in the principal administrative offices of the plan or in such other places as the board may designate:

- (1) The governing law of the judicial retirement plan;
- (2) The most recent summary plan description;
- (3) Summary descriptions of modifications or changes described in subparagraph (a)(2) that have been provided to members and beneficiaries but have not yet been integrated into the summary plan description;
- (4) The most recent annual disclosure of financial and actuarial status; and
- (5) The most recent annual report.

(c) Upon written request by a plan member, beneficiary, or member of the public, the board by its administrator shall provide a copy of any publication described in subparagraph (b). Except as otherwise provided herein, the board may charge a reasonable fee to cover the cost of providing copies. The board by its administrator shall provide the copies within 30 days after the request or, if a fee is charged, within 30 days after receiving payment.

VIII. The board of trustees shall direct the administrator of the plan to make the following disclosure to members and beneficiaries of the judicial retirement plan:

(a) The administrator shall furnish to each member and to each beneficiary who is receiving benefits under the plan:

- (1) A copy of the most recent summary plan description, along with any summary descriptions of modifications or changes described in paragraph III(a)(2); within 30 days after a person becomes a member or, in the case of a beneficiary, within 30 days after a person first receives benefits;
- (2) The summary description of any modifications or changes described in paragraph III(a)(2), within 7 months after the end of the fiscal year of the plan in which a modification or change has been made;
- (3) A copy of an updated summary plan description that integrates all modifications and changes at intervals not exceeding 5 years; and
- (4) The annual report within 7 months after the end of each fiscal year of the plan.

(b) The board by its administrator shall provide to a member or beneficiary a statement containing information that would permit the member or beneficiary to reasonably estimate projected benefits to the extent the information is regularly maintained by the plan. The information may be provided periodically with the annual report or upon written request of the member or beneficiary. The information need not be provided to a member or beneficiary who is currently receiving benefits.

(c) A member who is not currently receiving benefits is entitled without charge to one statement under subparagraph (b) during any fiscal year of the plan. The administrator may charge a reasonable fee to cover the cost of providing additional statements. The administrator shall provide the statements within 30 days of receipt of the member or beneficiary's written request or, if a fee is charged, within 30 days after receiving payment.

(d) A summary plan description and summary description of modifications or changes provided herein must be written in a manner calculated to be understood by the average member and be accurate and sufficiently comprehensive reasonably to inform the members and beneficiaries of their rights and obligations under the plan and shall contain:

- (1) The name of the plan and type of administration;
- (2) The name and business address of the administrator appointed by the board;
- (3) The name and business address of each agent for service of process;
- (4) Citations to the governing law of the judicial retirement plan;
- (5) A description of the plan's requirements concerning eligibility for participation and

benefits;

- (6) A description of the plan's provisions providing for nonforfeitable benefits;

(7) A description of circumstances that may result in disqualification, ineligibility, or denial or loss of benefits;

(8) A description of the benefits provided by the plan, including the manner of calculating benefits and any benefits provided for spouses and survivors;

- (9) The source of financing of the program;

- (10) The identity of any organization through which benefits are provided;

- (11) The date the fiscal year of the plan ends;

(12) The procedures to claim benefits under the program and the administrative procedures available under the program for the redress of claims that are denied in whole or in part; and

- (13) Notice of the availability of additional information provided herein.

(e) The board of trustees shall file with the secretary of state a copy of:

(1) The summary plan and of updated summary plan descriptions at the same time such are first furnished to plan members or beneficiaries pursuant to subparagraph (a)(3);

(2) Any summary description of modifications or changes within 7 months after the end of the fiscal year in which a modification or change has been made; and

(3) The annual disclosure of the plan's financial and actuarial status and its annual report within 7 months after the end of each fiscal year of the plan.

IX. The board shall make annual disclosure of the financial and actuarial status of the judicial retirement plan as provided herein.

(a) As used in this paragraph, "qualified public accountant" means:

(1) An auditing agency of this state which has no direct relationship with the functions or activities of the judicial retirement plan or its fiduciaries other than:

- (A) Functions relating to this chapter, or

(B) A person who is an independent public accountant, certified or licensed by a regulatory authority of a state.

(b) As used in this paragraph, "related person" of an individual means:

- (1) The individual's spouse or a parent or sibling of the spouse;

(2) The individual's descendant, sibling, or parent, or the spouse of the individual's descendant, sibling, or parent;

- (3) Another individual residing in the same household as the individual;

(4) A trust or estate in which an individual described in above subparagraphs (1), (2), or (3) has a substantial interest;

- (5) A trust or estate for which the individual has fiduciary responsibilities; or

- (6) An incompetent, ward, or minor for whom the individual has fiduciary responsibilities.

(c) The annual disclosure of the financial and actuarial status of the plan shall contain:

- (1) The name of the plan;

(2) The name and principal business office of the administrator appointed by the board of trustees;

(3) The name and business address of each member of the board of trustees and a brief description of how the trustee was selected;

- (4) The name and business address of the plan's agent for service of process;
- (5) The name and business address of each fiduciary;
- (6) The current statement of investment objectives and policies of the plan;
- (7) Financial statements and notes to the financial statements in conformity with generally accepted accounting principles;
- (8) An opinion on the financial statements by a qualified public accountant in conformity with generally accepted auditing standards;
- (9) Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations;
- (10) An opinion by the actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that each assumption and method used in preparing the schedules is reasonable, that the assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience;
- (11) A description of any material interest held by any trustee, administrator, or employee who is a fiduciary with respect to the investment and management of assets of the plan, and, if the fiduciary is an individual, by a related person of the beneficiary, in any material transaction with the plan within the last 3 years or proposed to be effected;
- (12) A schedule of the rates of return, net of total investment expense, on assets of the plan overall and on assets aggregated by category over the most recent one-year, 3-year, 5-year, and 10-year periods, to the extent available, and the rates of return stated against appropriate benchmarks for assets of the system overall and for each category over each period; and
- (13) A schedule of the sum of total investment expense and total general administrative expense paid by the plan for the fiscal year expressed as a percentage of the fair value of assets of the system on the last day of the fiscal year, and an equivalent percentage for the preceding 5 fiscal years.

X. The annual report for the plan shall contain:

- (a) The name and business address of each member of the board of trustees;
- (b) The financial statements, but not the notes, required by paragraph IX(c)(7);
- (c) The actuarial schedules, but not the notes, required by paragraph IX(c)(9);
- (d) The schedules described in paragraphs IX(c)(12) and (13);
- (e) A brief description of the above statements and schedules;
- (f) Other material to summarize fairly and accurately the annual disclosure of the plan's financial and actuarial status; and
- (g) A general notice of the availability of the public, member and beneficiary information provided herein.

100-C:13 Fiduciary Duties of Board of Trustee in Investing and Managing Assets of Judicial Retirement Plan.

I. The members of the board of trustees shall be the trustees of all funds of the judicial retirement plan created under this chapter and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions herein. Each member of the board of trustees or other fiduciary shall discharge duties with respect to the plan:

- (a) Solely in the interest of its members and beneficiaries;
- (b) For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the plan;
- (c) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;
- (d) Impartially, taking into account any differing interests of members and beneficiaries;
- (e) Incurring only costs that are appropriate and reasonable; and
- (f) In accordance with a good-faith interpretation of the law governing the judicial retirement plan.

II. In investing and managing assets of the judicial retirement plan, the board of trustees:

- (a) Shall consider among other circumstances:
  - (1) General economic conditions;
  - (2) The possible effect of inflation or deflation;
  - (3) The expected total return from income and the appreciation of capital;
  - (4) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and
  - (5) The adequacy of funding for the plan based on reasonable actuarial factors;



(b) Shall diversify the investments of the plan unless the board reasonably determines that, because of special circumstances, it is clearly prudent not to do so;

(c) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of the plan; and

(d) May invest in any kind of property or type of investment consistent with the fiduciary provisions of this chapter.

III. The board may return a member or state contribution, or make alternative arrangements for reimbursement, if the board determines the contribution was made because of a mistake of fact or law.

IV. In evaluating the performance of a trustee or other fiduciary of the plan, compliance by the trustee or other fiduciary with those duties and liabilities under this chapter shall be determined in light of the facts and circumstances existing at the time of the trustee or fiduciary's decision or action and not by hindsight; and the board's investment and management decisions shall be evaluated not in isolation but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the plan.

V. The board of trustees may insure against liability or losses occurring because of a breach of duty hereunder if the insurance is purchased or provided either by the trustee or fiduciary personally or, on the trustee or fiduciary's behalf, by the state, the plan, the employer whose members participate in the plan, or the trustee or fiduciary's employer.

#### 100-C:14 Method of Financing.

I. All of the assets of the judicial retirement plan shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. In making the determinations required under this section for financing the judicial retirement plan, the board shall determine and use an appropriate actuarial funding methodology. The board shall direct the plan's actuary to prepare biennial valuations of the system's assets and liabilities commencing with a valuation prepared as of the date of implementation of this chapter. Such biennial valuation shall be the sole basis for determining the annual contribution requirements of the judicial retirement plan until the next following biennial valuation.

#### II. Member Annuity Savings Fund.

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities. The board of trustees shall certify to the proper authority responsible for making up the payroll of the judicial branch, and such authority shall cause to be deducted from the compensation of each member, on each and every payroll for each and every payroll period, the percentage of earnable compensation applicable to such member. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board. Each of such amounts, when deducted, shall be paid to the judicial retirement plan at such times as may be designated by the board and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

(b) Every member shall be deemed to consent and agree to the deductions provided in this section as a condition of membership.

(c) The accumulated contributions of a member withdrawn by such member, or paid to such member's estate or to such member's designated beneficiary in event of the member's death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, such member's accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

#### III. State Annuity Accumulation Fund.

(a) The state annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all state annuities payable from contributions made by the state, any amounts transferred to the fund from a similar fund under one or more of the predecessor systems, and amounts transferred from the member annuity savings fund and from which shall be paid all benefits payable under the plan other than those payable from the member annuity savings fund.

(b) The contributions of the state for benefits under the judicial retirement plan shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution." The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the plan with respect to its members.

(c) Commencing with the valuation as required in paragraph I, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation, and assets of the judicial retirement plan from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable; or the actuary may base such determination on the anticipated level of contribution as is necessary to maintain such reasonable actuarial funded ratio as may be directed by the board of trustees, and for purposes of this determination the actuarial funded ratio shall be the ratio of the fair market value of the judicial retirement plan's assets to the present value of accumulated benefits under the judicial retirement plan for all members, but without regard to any future compensation increase.

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of 20 years from the date of implementation of this chapter.

(e) The total amount payable to the state annuity accumulation fund in each year shall not be less than the normal contribution rate multiplied by the total compensation earnable by all members for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability as determined by the actuary under subparagraph (d) above including such additional normal contribution percentages as determined by the actuary to be paid by the state under subparagraphs (b) and (c) above.

(f) All interest and dividends earned on the funds of the judicial retirement plan shall be credited to the state annuity accumulation fund. The board shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of the assumed rate of return as determined by the board of trustees, plus one half of one percent added to such rate, shall be allocated to the special account. None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:18, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.

(h) If the actuarially determined normal contribution rate as set forth in subparagraphs (b) and (c) is negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the member contribution rate in that fiscal year.

IV. State Contributions. On or before the first day of October next preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the judicial retirement plan and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the

budget the amounts so certified which amounts shall be appropriated by the legislature. The amounts so certified under this paragraph shall include the unfunded accrued liability of the judicial retirement plan.

**100-C:15 Member Contributions.** All member contributions to the judicial retirement plan shall be payable only with respect to membership service, and picked up by the state by means of payroll deduction and shall be treated as employer contributions for purposes of Section 414(h) of the Internal Revenue Code of 1986, as amended. The member contribution rate shall be fixed biennially by the board of trustees and shall be calculated so that the rate percent of earnable compensation deducted is one-half of the annual contribution requirements of the judicial retirement plan as determined in RSA 100-C:14, I. For any member appointed as a judge prior to the date of implementation of this chapter, all member contributions required by this section shall be paid by the state according to the procedure in RSA 100-C:14, IV. A member in service who attains the age of 65 and who has 25 years of service shall not be required to have deductions made from earnable compensation for purposes of this section provided that the state contributions for such member under RSA 100-C:14, IV shall continue until the member's retirement.

**100-C:16 Exemption From Taxation and Execution.**

I. The right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter, shall be exempted from any state, county, or municipal tax in the state; shall not be subject to execution, trustee process, attachment or any other process whatsoever, legal or equitable; and shall be unassignable except as provided in paragraph II.

II. Notwithstanding any provision of law to the contrary, the right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter shall be subject to assignment, attachment, and execution to the same extent as such rights under private retirement systems.

**100-C:17 Protection Against Fraud.** Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the judicial retirement plan in any attempt to defraud the system as a result of such act, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Should any change or error in the records result in any member or beneficiary receiving from the plan more or less than such person would have been entitled to receive had the records been correct, the board of trustees shall have the power to correct such error, and to adjust as far as practicable the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

**100-C:18 Supplemental Allowances.**

I. On February 1 of each year, the fiscal committee of the general court may approve COLA's upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

II.(a) The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-C:14, III(g).

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the special account to an amount less than zero.

3 Current Supreme Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 490:2, VI to read as follows:

**VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.*** A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw [his] a warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

4 Superior Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 491:2, VI to read as follows:

**VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.*** A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw [his] a warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

5 District Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 502-A:6-a, VI to read as follows:

**VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.*** A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw [his] a warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

6 Probate Court Judges; Retirement Benefits; Contributions to Retirement. Amend RSA 547:2-a to read as follows:

547:2-a Full-Time Judges. A probate judge designated to be full-time pursuant to RSA 491-A:4, IV shall not be permitted to engage in the practice of law to any degree. Full-time probate judges shall receive the salary specified in RSA 491-A:1 and shall be entitled to the same disability and retirement benefits as full-time justices of the district court ***under RSA 502-A:6-a.*** Full-time judges designated pursuant to RSA 491-A:4, IV shall assist the probate courts in the other counties whenever a probate judge in such other county is disqualified, disabled, or otherwise unable to sit.

7 Appropriation. The sum of \$250,000 is hereby appropriated for the fiscal year ending June 30, 2003 to the board of trustees of the judicial retirement system as established in this act. Such sum shall be non-lapsing and shall be used for legal, administrative, and other start-up costs of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Contingent Implementation of Judicial Retirement Plan. The provisions of RSA 100-C relating to contributions by members, retirement benefits, and operation of the judicial retirement plan shall be implemented beginning on the latter of July 1, 2003 or 180 days after the date that the board of trustees established under RSA 100-C certifies to the joint legislative fiscal committee of the judicial retirement plan's receipt of a favorable determination letter from the Internal Revenue Service as to the tax qualified status of the plan under section 401(a) of the Internal Revenue Code of 1986 as amended. Such date shall be the date of implementation of the judicial retirement plan. The provisions of RSA 100-C:12 for the appointment of the board and the administration of the duties and responsibilities of the board may begin on the effective date of this act.

9 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Almy spoke against.

Rep. Dyer and Wheeler spoke in favor and yielded to questions.

Rep. Petersen spoke in favor.

Report adopted and ordered to third reading.

## REGULAR CALENDAR (CONT'D.)

### **HB 169-FN, repealing the certificate of need law. INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Repealing the certificate of need law is not a new issue for the legislature. In fact, there is a task force currently working to examine and study the certificate of need and make recommendations for change. Their recommendations will not be finalized in time for this session. Therefore, a majority of the committee considered it unnecessary to keep this bill active at this time. New legislation will undoubtedly be recommended by the Task Force report. Vote 15-4.

Adopted.

**CACR 21, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business. OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Legislative Administration: The proposed amendment to CACR 21 would ask the public to change the state constitution to increase legislator's salary from \$100/year to \$1,000/year. This recommendation comes from a study committee asked to review methods of

reimbursing legislators for expenses incurred by serving in the legislature. After several months of meetings it was determined any mechanism to reimburse legislators for expenses would be cumbersome, unfair, and unconstitutional since the constitution provides no mechanism for payment of expenses. While there was much discussion whether \$1,000/year is the "right" amount, it was generally agreed that the increase is reasonable and justifiable. Vote 11-3.

### **Amendment (2057h)**

Amend the title of the resolution by replacing it with the following:

RELATING TO: compensation for members of the general court.

PROVIDING THAT: members of the general court shall be compensated \$2,000 for each biennium for their services, with presiding officers receiving \$2,500.

Amend the bill by replacing all after the title with the following:

I. That article 15 of the second part of the constitution be amended to read as follows:

[Art.] 15 [Compensation of the Legislature.] The presiding officers of both houses of the legislature, shall severally receive out of the state treasury as compensation in full for their services for the term elected the sum of [~~\$250~~] **\$2,500**, and all other members thereof, seasonably attending and not departing without license, the sum of [~~\$200~~] **\$2,000** and each member shall receive mileage for actual daily attendance on legislative days, but not after the legislature shall have been in session for 45 legislative days or after the first day of July following the annual assembly of the legislature, whichever occurs first; provided, however, that, when a special session shall be called by the governor or by a 2/3 vote of the then qualified members of each branch of the general court, such officers and members shall receive for attendance an additional compensation of \$3 per day for a period not exceeding 15 days and the usual mileage. Nothing herein shall prevent the payment of additional mileage to members attending committee meetings or on other legislative business on nonlegislative days.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2002 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending article 15 of the second part of the constitution to read as follows?:

[Art.] 15 [Compensation of the Legislature.] The presiding officers of both houses of the legislature, shall severally receive out of the state treasury as compensation in full for their services for the term elected the sum of [~~\$250~~] **\$2,500**, and all other members thereof, seasonably attending and not departing without license, the sum of [~~\$200~~] **\$2,000** and each member shall receive mileage for actual daily attendance on legislative days but, not after the legislature shall have been in session for 45 legislative days or after the first day of July following the annual assembly of the legislature, whichever occurs first; provided, however, that, when a special session shall be called by the governor or by a 2/3 vote of the then qualified members of each branch of the general court, such officers and members shall receive for attendance an additional compensation of \$3 per day for a period not exceeding 15 days and the usual mileage. Nothing herein shall prevent the payment of additional mileage to members attending committee meetings or on other legislative business on nonlegislative days.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2002 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

### **AMENDED ANALYSIS**

This constitutional amendment-concurrent resolution provides that members of the general court shall be compensated \$2,000 each biennium for their services, with presiding officers receiving \$2,500. Adopted.

Rep. Martha Fuller Clark requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 169 NAYS 177****YEAS 169****BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

**CARROLL**

Dickinson, Howard  
Stevens, Stanley

Kenney, Joseph  
Sullivan, P Judith

Patten, Betsey  
Torresen, Gary

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

Avery, Stephen  
Hunt, John  
Royce, H Charles

Burnham, Daniel  
Liebl, George  
Slack, Pamela Russell

Dexter, Judson  
Manning, Joseph  
Weed, Charles

**COOS**

Gallus, John  
Rozek, Michael

Horton, Lynn  
Stohl, Eric

Landers, Dana  
Tholl, John Jr

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scanlan, David  
Williams, Burton

Barker, Robert  
Naro, Debra  
Scovner, Nancy

Cooney, Mary  
Nordgren, Sharon  
Sokol, Hilda

Ham, Bonnie  
Pawlek, Marion  
Teschner, Douglass

**HILLSBOROUGH**

Artz, Lawrence  
Bragdon, Peter  
Christensen, D L Chris  
Gargas, Carolyn  
Gonzalez, Carlos  
Jean, Claudette  
Leach, Edward  
Mercer, Robert  
Sargent, Maxwell  
Tate, Joan

Baroody, Benjamin  
Bruno, Pierre  
Daigle, Robert  
Ginsburg, Ruth  
Greenberg, Gary  
Jean, Loren  
McDonough-Wallace, Alice  
Milligan, Robert  
Schulze, Joan  
Vaillancourt, Steve

Batula, Peter  
Buckley, Raymond  
Drabinowicz, A Theresa  
Gleneck, David  
Hall, Betty  
Konys, Christine  
McHugh, Claire  
O'Connell, Timothy  
Shaw, Barbara  
Wheeler, Robert

Bergin, Peter  
Chabot, Robert  
Fletcher, Richard  
Golding, William  
Hall, Charles  
LaFlamme, Paul  
Melcher, Harold  
Reeves, Sandra  
Spiess, Paul  
White, John

**MERRIMACK**

Brewster, Richard  
French, Barbara  
L'Heureux, Stephen  
Perkins, Randy

Clarke, Claire  
Hager, Elizabeth  
MacKay, James  
Rodd, Beth

Cummings, Raymond  
Hutchinson, John  
Maxfield, Roy  
Wallner, Mary Jane

Fraser, Leo Jr  
Jacobson, Alf  
Moore, Carol  
Yeaton, Charles

**ROCKINGHAM**

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Kobel, Rudolph  
McGuire, Robert  
Morse, Charles  
Sapareto, Frank  
Stitch, C Donald  
Zolla, William

Bishop, Franklin  
Corbin, Corey  
Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Shultis, Elizabeth  
Trueman, Raymond

Bowles, Raimond  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hill, Jonathan  
Langone, John  
Micklon, Stephanie  
Rausch, James  
Sloan, Stephen  
Welch, David

Camm, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Letourneau, Robert  
Moore, Benjamin  
Reardon, Neil  
Splaine, James  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Cossette, Larry  
Goodwin, Earle  
Snyder, Clair

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Woodill, Rodney

Bickford, David  
Estabrook, Iris  
Johnson, Nancy

Callaghan, Frank  
Ferland, Paul  
Pelletier, Arthur

**SULLIVAN**

Burling, Peter  
Franklin, Peter  
Phinizy, James

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Leone, Richard

**NAYS 177****BELKNAP**

Flanders, Donald  
Rice, Thomas Jr

Johnson, William  
Salatiello, Thomas

Lawton, David  
Wood, Jane

Millham, Alida

**CARROLL**

Babson, David Jr

Bradley, Jeb

Mock, Henry

Quimby, Lee

**CHESHIRE**

Edwards, Dana  
Meader, David  
Roberts, William

Emerson, Susan  
Pratt, Irene  
Smith, Edwin

Fairbanks, Chandler  
Pratt, John

McGuirk, Paul  
Richardson, Barbara

**COOS**

Davis, Perley

Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gabler, William  
Mirski, Paul

Benn, Bernard  
Gilman, G Michael  
Solow, Martha

Cobb, John  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Clayton, William  
Cote, Peter  
Dionne, David  
Dyer, Merton  
Foster, Linda  
Goulet, Maurice  
Holden, Randolph  
Keye, Harvey  
Lasky, Bette  
McRae, Karen  
Palangas, Eric  
Peterson, Andrew  
Sweeney, Cynthia

Alukonis, David  
Bellavance, Paul  
Calawa, Leon Jr  
Clegg, Robert Jr  
Coughlin, Pamela  
Dionne, Kimberley  
Elliott, Larry  
Furman, Christine  
Graham, John  
Hopper, Gary  
Kurk, Neal  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Rowe, Robert  
Tahir, Saghir

Andosca, Mary  
Bergeron, Jean-Guy  
Cardin, Lori  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Goley, Jeffrey  
Guinta, Frank  
Johnson, Lionel  
L'Heureux, Robert  
Martel, Andre  
Moran, Edward  
Pappas, Marc  
Souza, Kathleen  
Thompson, Rob

Balboni, Michael  
Bouchard, David  
Carlson, Donald  
Cote, David  
Desrosiers, William  
Drisko, Richard  
Ford, Nancy  
Gorman, Mary  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
Martin, Mary Ellen  
Movsesian, Lori  
Pepino, Leo  
Sullivan, Peter  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Davis, Frank  
Greco, Vincent  
Leber, William  
Rush, Deanna  
Winter, Steven

Bouchard, Candace  
Dunne, Christopher  
Hess, David  
Lockwood, Priscilla  
Soltani, Tony

Colcord, J D  
Feuerstein, Martin  
Kennedy, Richard  
Potter, Frances  
Swindlehurst, John

Daneault, Gabriel  
Gile, Mary  
Langer, Ray  
Reardon, Tara  
Whalley, Michael

# **ROCKINGHAM**

Blanchard, MaryAnn	Bride, Russell	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cox, Russell	Dearborn, Bruce	Dumaine, Dudley	Hamel, Albert
Henderson, Warren	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Major, Norman	Norelli, Terie	O'Neil, Michael	Palermo, Diane
Pitts, Jacqueline	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Ruffner, Walter
Stone, Joseph	Varrell, Thomas	Weatherspoon, Jacquelyne	Whittier, John

# **STRAFFORD**

Brennan, William	Brown, Julie	DeChane, Marlene	Harrington, Michael
Heon, Richard	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Taylor, Kathleen	Twombly, James	Wall, Janet
Woods, Phyllis			

# **SULLIVAN**

Jones, Constance	Odell, Bob	Rodeschin, Beverly
and the report failed.		
Rep. Herman moved Inexpedient to Legislate.		
Rep. Buckley requested a roll call; sufficiently seconded.		
The question being adoption of Inexpedient to Legislate.		

**YEAS 262 NAYS 84**

# **YEAS 262**

# **BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

# **CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Torresen, Gary			

# **CHESHIRE**

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Roberts, William	Royce, H Charles
Smith, Edwin			

# **COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

# **GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Cobb, John	Dudley, Terri	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Solow, Martha	Sova, Charles	Ward, Brien	Williams, Burton

# **HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert



Bruno, Pierre  
 Carlson, Donald  
 Cote, David  
 Desrosiers, William  
 Drisko, Richard  
 Ford, Nancy  
 Ginsburg, Ruth  
 Gonzalez, Carlos  
 Guinta, Frank  
 Hopper, Gary  
 Keye, Harvey  
 LaRose, Richard  
 Martel, Andre  
 Mercer, Robert  
 O'Connell, Timothy  
 Pepino, Leo  
 Souza, Kathleen  
 Thompson, Rob

Buckley, Raymond  
 Christensen, D L Chris  
 Cote, Peter  
 Dionne, David  
 Dyer, Merton  
 Foster, Linda  
 Gleneck, David  
 Gorman, Mary  
 Hall, Charles  
 Jean, Loren  
 Konys, Christine  
 Lasky, Bette  
 Martin, Mary Ellen  
 Messier, Irene  
 Palangas, Eric  
 Peterson, Andrew  
 Sweeney, Cynthia  
 Thulander, O Alan

Calawa, Leon Jr  
 Clegg, Robert Jr  
 Coughlin, Pamela  
 Dionne, Kimberley  
 Elliott, Larry  
 Furman, Christine  
 Golding, William  
 Goulet, Maurice  
 Herman, Keith  
 Johnson, Lionel  
 Kurk, Neal  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Moran, Edward  
 Panagopoulos, Nicholas  
 Reeves, Sandra  
 Tahir, Saghir  
 Wheeler, Robert

Cardin, Lori  
 Clemons, Jane  
 Craig, James  
 Dokmo, Cynthia  
 Fields, Dennis  
 Gargas, Carolyn  
 Goley, Jeffrey  
 Greenberg, Gary  
 Holden, Randolph  
 Kacavas, John  
 L'Heureux, Robert  
 Leishman, Peter  
 McRae, Karen  
 Movsesian, Lori  
 Pappas, Marc  
 Rowe, Robert  
 Tate, Joan

### MERRIMACK

Anderson, Eric  
 Daneault, Gabriel  
 Gile, Mary  
 Hutchinson, John  
 Leber, William  
 Reardon, Tara  
 Whalley, Michael

Bouchard, Candace  
 Dunne, Christopher  
 Greco, Vincent  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Rush, Deanna  
 Winter, Steven

Colcord, J D  
 Feuerstein, Martin  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 MacKay, James  
 Soltani, Tony

Cummings, Raymond  
 Fraser, Leo Jr  
 Hess, David  
 Langer, Ray  
 Potter, Frances  
 Swindlehurst, John

### ROCKINGHAM

Blanchard, MaryAnn  
 Carson, Sharon  
 Clark, Vivian  
 Dalrymple, Janeen  
 Dumaine, Dudley  
 Gilbert, Jeffrey  
 Hamel, Albert  
 Introne, Robert  
 Katsakiores, George  
 Langley, Jane  
 McGuire, Robert  
 Morse, Charles  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Sapareto, Frank  
 Stritch, C Donald  
 Weyler, Kenneth

Bowles, Raimond  
 Case, Margaret  
 Coes, Betsy  
 Dearborn, Bruce  
 Fesh, Bob  
 Giordano, Ronald  
 Henderson, Warren  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Norelli, Terie  
 Power, Lucille  
 Rausch, James  
 Sloan, Stephen  
 Varrell, Thomas  
 Whittier, John

Bridle, Russell  
 Chalbeck, Kevin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Robert  
 Kelley, William  
 Letourneau, Robert  
 Micklon, Stephanie  
 O'Neil, Michael  
 Priestley, Anne  
 Robertson, Carl  
 Splaine, James  
 Weatherspoon, Jacquelyne  
 Zolla, William

Camm, Kevin  
 Clark, Martha Fuller  
 Cox, Russell  
 Downing, Michael  
 Francoeur, Sheila  
 Griffin, Mary  
 Holland, James Jr  
 Johnson, Rogers  
 Kobel, Rudolph  
 Major, Norman  
 Moore, Benjamin  
 Palermo, Diane  
 Quandt, Marshall  
 Ruffner, Walter  
 Stone, Joseph  
 Welch, David

### STRAFFORD

Albert, Russell  
 Cossette, Larry  
 Harrington, Michael  
 Proulx, Raymond  
 Taylor, Kathleen

Brennan, William  
 DeChane, Marlene  
 Knowles, William  
 Reid, Christopher  
 Twombly, James

Brown, Julie  
 Dunlap, Patricia  
 Lent, Donald  
 Rollo, Michael  
 Wall, Janet

Callaghan, Frank  
 Ferland, Paul  
 McCarthy, Gerald  
 Smith, Marjorie  
 Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr  
 Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

**NAYS 84  
BELKNAP**

None

**CARROLL**

Dickinson, Howard Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Avery, Stephen	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meador, David	Pratt, John	Slack, Pamela Russell
Weed, Charles	Zerba, Roger		

**COOS**

Landers, Dana Mears, Edgar

**GRAFTON**

Almy, Susan	Cooney, Mary	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Teschner, Douglass		

**HILLSBOROUGH**

Baroody, Benjamin	Bragdon, Peter	Chabot, Robert	Clayton, William
Daigle, Robert	Drabinowicz, A Theresa	Fletcher, Richard	Graham, John
Hall, Betty	Jean, Claudette	LaFlamme, Paul	McHugh, Claire
Melcher, Harold	Milligan, Robert	Sargent, Maxwell	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Vaillancourt, Steve
White, John			

**MERRIMACK**

Brewster, Richard	Clarke, Claire	Davis, Frank	French, Barbara
Jacobson, Alf	Maxfield, Roy	Moore, Carol	Perkins, Randy
Rodd, Beth	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Corbin, Corey	Dowling, Patricia
Gilbert, Karl	Nowe, Ronald	Putnam, Ed II	Reardon, Neil
Shultis, Elizabeth	Trueman, Raymond		

**STRAFFORD**

Berube, Roger	Bickford, David	Estabrook, Iris	Goodwin, Earle
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Pelletier, Arthur	Snyder, Clair	Woodill, Rodney	

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and Inexpedient to Legislate was adopted.

**HB 414**, relative to the adoption of instream flow rules. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill would require the Department of Environmental Services (DES) to develop a statewide management plan before any instream flow rules could take effect. These rules have been in preparation for several years and would, in effect, determine who could withdraw water from rivers and streams and how much could be withdrawn and when. These rules would impact many users of the waters, including agriculture, public water supplies, business, ski areas, recreation, and wildlife. They are designed to protect the instream flows to prevent long term damage to any of these areas and would require a "sharing of the pain" of low flow conditions. In the last session of the legislature, the importance of these rules was recognized and a study committee was formed by the passage of SB 330. This committee was to oversee the development of the rules and to introduce additional legislation, if needed. The rules have seen several drafts and public hearings where a great deal of input from the various interested parties. At present, it is proposed to have a two river "pilot" projects

to check out the rules. Included would be the development of a Water Management Plan for each river. This plan would cover the entire watershed of the river and would be in place before any enforcement activities would be conducted. The study committee has introduced legislation for this session to specify this approach and would require legislative review before any enforcement activity could occur. The majority of the committee felt that requiring a statewide management plan before any rule development would not be necessary and would effectively stop the rule process. The study committee approach would only require plans for 2 watersheds and would allow the learning process about rules to proceed. The study committee will also be looking at the cost of these programs and at the financial impact to affected water users. In addition, legislative oversight would continue throughout the process. The House will have an opportunity to consider this legislation this year. Vote 13-4.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority feels that HB 414 addresses the need for a comprehensive and holistic approach toward statewide river management. The minority considers that the administrative instream flow rules, currently being developed by the Department of Environmental Services, have been predicated upon insufficient information. Existing statute establishes implementation of such rules only for rivers or river segments in the designated rivers program. This is a fragmented approach that does not involve river watersheds that are not in the program. Those rivers cannot be accurately evaluated without considering the management of all of the tributaries and segments that comprise it. Implementation of rules in this manner would be disproportionate in cost to water users only in the portions of rivers that are designated.

On a division vote, 303 members having voted in the affirmative and 35 in the negative, the majority report was adopted.

**SB 101-FN, relative to mooring permits and fees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: This bill seeks to change the way in which New Hampshire lakes are added to the state moorings program. The majority of the Resources Committee believes that this change is unnecessary since the present method is working soundly. Currently, the authority to add lakes to the program rests solely with the legislature. If SB 101-FN were passed, this legislative authority would be completely by-passed and replaced by a costly Department of Safety hearing process. The committee believes that the legislature is the best avenue for citizens who wish to add new lakes to the state moorings program. It is the duty and responsibility of this "General Court" to strike a balance between the interests of shorefront property owners on a particular lake and the users of lake resources throughout the state. Since this legislative route has been proven to work well in the past there doesn't seem to be any reason to turn over this responsibility to the Department of Safety at this time. Vote 10-7.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: There are currently 969 lakes and ponds in New Hampshire where moorings are largely unregulated. This bill improves upon the current legislative process for reviewing entrance of lakes into the existing moorings program by substituting a hearing process which is less cumbersome, allows for hearings on location and in season, and provides for decision-making by professionals with expertise and familiarity with the lake in question.

Majority report adopted.

**HB 762-FN-A, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund. INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: A majority of the committee felt that the objectives of this bill relative to teen smoking were certainly worthwhile. However, for the following reasons regarding the funding (a 50 cent increase to the cigarette tax), we voted ITL: our cigarette sales are very high (per capita) due to the impact of cross border sales; collateral damage primarily to border community businesses and resulting state tax revenues, where not convincingly addressed; damage such as lost business profits, rooms & meals, gasoline, beer and wine; and employment. Should Health and Human Services determine this program is a priority, they should first offer to incorporate the program and its associated costs in the department's budget with their other requests. This tax increase (96%) hits our low and moderate-income smokers the hardest, those that can least afford it. In reality, this program will not reduce their reliance on smoking but will certainly lower their disposable income. And finally this bill will establish another dedicated fund. Vote 11-7.

Rep. Martha Fuller Clark spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Alukonis requested a roll call; sufficiently seconded.

The question being adoption of the report.

## YEAS 236 NAYS 108

### YEAS 236

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Salatiello, Thomas

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

#### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

#### CHESHIRE

Avery, Stephen  
McGuirk, Paul  
Smith, Edwin

Dexter, Judson  
Meador, David

Emerson, Susan  
Roberts, William

Hunt, John  
Royce, H Charles

#### COOS

Davis, Perley  
Mears, Edgar

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Landers, Dana

#### GRAFTON

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Barker, Robert  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Cobb, John  
Giuda, Robert  
Sova, Charles

Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

#### HILLSBOROUGH

Alukonis, David  
Baroody, Benjamin  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, David  
Drisko, Richard  
Fletcher, Richard  
Golding, William  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Panagopoulos, Nicholas  
Reeves, Sandra  
Spiess, Paul  
Thulander, O Alan

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Dionne, Kimberley  
Dyer, Merton  
Ford, Nancy  
Goley, Jeffrey  
Graham, John  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
McRae, Karen  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Sweeney, Cynthia  
Vaillancourt, Steve

Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Elliott, Larry  
Gargasz, Carolyn  
Gonzalez, Carlos  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
Wheeler, Robert

Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Clayton, William  
Desrosiers, William  
Drabinowicz, A Theresa  
Fields, Dennis  
Gleneck, David  
Gorman, Mary  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Peterson, Andrew  
Souza, Kathleen  
Thompson, Rob

#### MERRIMACK

Anderson, Eric  
Dunne, Christopher

Colcord, J D  
Feuerstein, Martin

Cummings, Raymond  
Fraser, Leo Jr

Daneault, Gabriel  
Hess, David

Hutchinson, John  
Leber, William  
Soltani, Tony

Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Langer, Ray  
Maxfield, Roy  
Winter, Steven

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane  
Quandt, Matthew  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Carson, Sharon  
Coes, Betsy  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Case, Margaret  
Cooney, Richard  
Dearborn, Bruce  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

Bridle, Russell  
Chalbeck, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Brown, Julie  
Harrington, Michael  
Reid, Christopher  
Woods, Phyllis

Berube, Roger  
Callaghan, Frank  
Heon, Richard  
Rollo, Michael

Bickford, David  
Cossette, Larry  
Knowles, William  
Twombly, James

Brennan, William  
Ferland, Paul  
McCarthy, Gerald  
Wall, Janet

### SULLIVAN

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

### NAYS 108

### BELKNAP

Johnson, William

Rosen, Ralph

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
Fairbanks, Chandler  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
Liebl, George  
Pratt, John  
Zerba, Roger

Edwards, Dana  
Manning, Joseph  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

### COOS

Rozek, Michael

Stohl, Eric

### GRAFTON

Akins, Ralph  
Ham, Bonnie  
Pawlek, Marion

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

### HILLSBOROUGH

Allan, Nelson  
Buckley, Raymond  
Craig, James  
Ginsburg, Ruth

Andosca, Mary  
Cardin, Lori  
Daigle, Robert  
Hall, Betty

Bellavance, Paul  
Cote, David  
Foster, Linda  
Jean, Claudette

Bergin, Peter  
Cote, Peter  
Furman, Christine  
Kacavas, John

Keye, Harvey  
McDonough-Wallace, Alice  
Schulze, Joan

Konys, Christine  
McHugh, Claire  
Shaw, Barbara

Lasky, Bette  
Melcher, Harold  
Sullivan, Peter

Martin, Mary Ellen  
Movsesian, Lori  
White, John

### MERRIMACK

Bouchard, Candace  
French, Barbara  
Moore, Carol  
Rodd, Beth

Brewster, Richard  
Gile, Mary  
Perkins, Randy  
Rush, Deanna

Clarke, Claire  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

Davis, Frank  
Jacobson, Alf  
Reardon, Tara  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Norelli, Terie  
Ruffner, Walter  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Pitts, Jacqueline  
Shultis, Elizabeth

Gilbert, Karl  
Power, Lucille  
Splaine, James

Micklon, Stephanie  
Robertson, Carl  
Trueman, Raymond

### STRAFFORD

DeChane, Marlene  
Grassie, Anne  
Pelletier, Arthur  
Taylor, Kathleen

Dunlap, Patricia  
Johnson, Nancy  
Proulx, Raymond  
Woodill, Rodney

Estabrook, Iris  
Kaen, Naida  
Smith, Marjorie

Goodwin, Earle  
Lent, Donald  
Snyder, Clair

### SULLIVAN

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda

Franklin, Peter

and the report was adopted.

Rep. Tahir declared a conflict of interest and did not participate.

**HCR 14**, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Robert Giuda for the Majority of Ways and Means: The Claremont decisions raise two important questions. First, should it be the policy of this state to settle for mere adequacy in education, as the New Hampshire Supreme Court directs, or should our goal be excellence. The second, and far more important question, is whether we will maintain the people's right to a government based upon a separation of powers among the branches of government, or whether we will allow one branch of government, the judiciary, to assume authority that belongs to the other branches.

Our system of government is based upon a system of checks and balances. One of these checks and balances is the separation of powers among the three branches. In the Claremont decisions, the New Hampshire Supreme Court violated the separation of powers by directing the other branches to pass legislation establishing a system of public education based upon certain parameters drawn from a decision by the Supreme Court of Kentucky.

HCR 14 does not reject the theory of judicial review. It does not assert that the Legislature, or the Governor, can "overrule" court decisions, or that courts cannot review legislation affecting education or tax policy. Rather, HCR 14 simply affirms the well settled proposition that the power of judicial review is not the power to direct the other branches to pass legislation and that, consequently, the directives by the Supreme Court in the Claremont decisions that the legislature is required to pass certain legislation based upon parameters set forth by the court are not binding upon the legislature. Vote 9-7.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority of the committee objects strongly to the vote of OTP/A on HCR 14. By voting for this resolution, members of the majority are saying that the citizens of our state do not have the right to petition the courts for redress of their constitutional rights. The Supreme Court has not, as the majority believe, told the legislature how to fund education, but only that education, a constitutional right, must be funded, and funded in a fair and equitable manner. It is the opinion of the minority that HCR 14 is an affront to the doctrine of separation of powers. As an HCR this bill has no force of law. The minority questions the purpose of this legislation.

**Amendment (2059h)**

Amend the resolution by replacing all after the resolving clause with the following:

That the legislature hereby finds and declares that the school tax structure in effect prior to the Claremont II decision is constitutional and shall continue to be used until such time as modified by the representative branches.

Adopted.

Rep. Sapareto offered a floor amendment(2210h).

**Floor Amendment (2210h)**

Amend the title of the resolution by replacing it with the following:

A RESOLUTION declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, the members of the executive and legislative branches of the state of New Hampshire, having made and subscribed an oath to God and to the state and its constitution, or alternatively, by affirming under the pains and penalties of perjury, their allegiance to the state of New Hampshire and its constitution pursuant to part II, article 84 of said constitution, hereby find that the New Hampshire supreme court decisions in the Claremont cases were wrong and that the supreme court does not have the power to tell the legislature whether and how to set educational policy and whether and how much to spend on education and that, accordingly, these aspects of the Claremont I and Claremont II decisions and any and all consequences that flow therefrom do not have the force and effect of the law. Amend the resolution by replacing subparagraph (b) of the fourth paragraphs after the title with the following:

(b) The legislative power vested exclusively in the general court by part II, article 2 includes the power and discretion to determine whether and how to set educational policy and whether and how much to spend on education. Therefore, the legislature finds that it is wrongful for the judiciary, either directly or indirectly, to define educational adequacy or the cost of educational adequacy.

(See, e.g., Coleman v. School District of Rochester, "The courts may not declare acts of the legislature void on the sole issue whether they are 'wholesome and reasonable.' The legislature is to judge whether they are for 'the benefit and welfare' of the state.")

Amend the resolution by replacing all after the resolving clause with the following:

That the legislature hereby finds and declares that the school tax structure in effect prior to the Claremont II decision may continue to be used until such time as modified by the representative branches, and has been modified by the representative branches.

**AMENDED ANALYSIS**

This house concurrent resolution declares that it is wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

Reps. Sapareto and Giuda spoke in favor.

Rep. Herman spoke in favor, yielded to questions and requested a roll call; sufficiently seconded. The question being adoption of the floor amendment(2210h).

**YEAS 212 NAYS 134****YEAS 212****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Pratt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

**COOS**

Gallus, John	Horton, Lynn	Rozek, Michael	Stohl, Eric
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gabler, William	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert
Desrosiers, William	Dionne, Kimberley	Dyer, Merton	Elliott, Larry
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gargaszy, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Johnson, Lionel	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Martel, Andre	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	O'Connell, Timothy	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Robertson, Carl	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Strich, C Donald	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			



**STRAFFORD**

Albert, Russell  
Harrington, Michael

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Ferland, Paul

**SULLIVAN**

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

**NAYS 134****BELKNAP**

Johnson, William

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meador, David  
Slack, Pamela Russell

Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Manning, Joseph  
Pratt, Irene  
Zerba, Roger

**COOS**

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Williams, Burton

**HILLSBOROUGH**

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
Melcher, Harold  
Rowe, Robert  
Vaillancourt, Steve

Baroody, Benjamin  
Clayton, William  
Craig, James  
Drisko, Richard  
Goley, Jeffrey  
Kacavas, John  
Leach, Edward  
Movesian, Lori  
Schulze, Joan  
White, John

Bellavance, Paul  
Clemons, Jane  
Dionne, David  
Ford, Nancy  
Gorman, Mary  
Keye, Harvey  
Leishman, Peter  
Palangas, Eric  
Sullivan, Peter

Bergin, Peter  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Hall, Betty  
Konys, Christine  
McDonough-Wallace, Alice  
Peterson, Andrew  
Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Reardon, Tara  
Yeaton, Charles

Clarke, Claire  
French, Barbara  
Moore, Carol  
Rodd, Beth

Daneault, Gabriel  
Gile, Mary  
Perkins, Randy  
Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Kelley, William  
Pitts, Jacqueline

Bowles, Raimond  
Cooney, Richard  
McGuire, Robert  
Shultis, Elizabeth

Case, Margaret  
Downing, Michael  
Micklon, Stephanie  
Splaine, James

Clark, Martha Fuller  
Johnson, Robert  
Norelli, Terie  
Weatherspoon, Jacquelyne

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
McCarthy, Gerald

Callaghan, Frank  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur

Proulx, Raymond  
Snyder, Clair

Reid, Christopher  
Taylor, Kathleen

Rollo, Michael  
Wall, Janet

Smith, Marjorie  
Woodill, Rodney

### SULLIVAN

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Phinizy, James

and the floor amendment(2210h) was adopted.

The question now being adoption of the amended report.

Reps. William Kelley, Jacobson, McGuirk, John Pratt and Spiess spoke against.

Reps. Alukonis, Leone and Mock spoke in favor.

Rep. Scanlan requested a roll call; sufficiently seconded.

### YEAS 188 NAYS 152

#### YEAS 188

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph  
Stevens, Stanley

#### CHESHIRE

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

#### COOS

Gallus, John  
Tholl, John Jr

Horton, Lynn

Rozek, Michael

Stohl, Eric

#### GRAFTON

Alger, John  
Eaton, Stephanie  
Ham, Bonnie  
Sova, Charles

Barker, Robert  
Gabler, William  
Marshall, Gene  
Teschner, Douglass

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Ward, Brien

Dudley, Terri  
Giuda, Robert  
Scanlan, David

#### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martin, Mary Ellen  
Milligan, Robert  
Reeves, Sandra  
Tate, Joan  
Wheeler, Robert

Alukonis, David  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dyer, Merton  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Souza, Kathleen  
Thulander, O Alan

Balboni, Michael  
Bragdon, Peter  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Mercer, Robert  
Pepino, Leo  
Tahir, Saghir  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Cummings, Raymond  
L'Heureux, Stephen  
Soltani, Tony

Dunne, Christopher  
Langer, Ray  
Swindlehurst, John

Hutchinson, John  
Leber, William  
Whalley, Michael

**ROCKINGHAM**

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Welch, David

Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Camm, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
Twombly, James

Bickford, David  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

**SULLIVAN**

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

**NAYS 152****BELKNAP**

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

Avery, Stephen  
McGuirk, Paul  
Pratt, John

Burnham, Daniel  
Meader, David  
Richardson, Barbara

Espieffs, Peter  
Mitchell, McKim  
Weed, Charles

**COOS**

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Williams, Burton

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Drisko, Richard

Baroody, Benjamin  
Cardin, Lori  
Cote, David  
Dionne, David  
Ford, Nancy

Bellavance, Paul  
Carlson, Donald  
Cote, Peter  
Dokmo, Cynthia  
Foster, Linda

Bergin, Peter  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Gargasch, Carolyn

Ginsburg, Ruth  
Jean, Claudette  
Konys, Christine  
Melcher, Harold  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia

Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
White, John

Gorman, Mary  
Kacavas, John  
Leach, Edward  
Movsesian, Lori  
Peterson, Andrew  
Spiess, Paul

Hall, Betty  
Keye, Harvey  
Leishman, Peter  
O'Connell, Timothy  
Rowe, Robert  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Reardon, Tara  
Yeaton, Charles

Colcord, J D  
Fraser, Leo Jr  
Hager, Elizabeth  
Moore, Carol  
Rodd, Beth

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Kelley, William  
Pitts, Jacqueline  
Splaine, James

Bowles, Raimond  
Downing, Michael  
McGuire, Robert  
Robertson, Carl  
Trueman, Raymond

Clark, Martha Fuller  
Gleason, John  
Micklon, Stephanie  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Coes, Betsy  
Johnson, Robert  
Norelli, Terie  
Shultis, Elizabeth

### STRAFFORD

Beube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Lent, Donald  
Reid, Christopher  
Taylor, Kathleen

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Woodill, Rodney

Callaghan, Frank  
Ferland, Paul  
Kaen, Naida  
Proulx, Raymond  
Snyder, Clair

### SULLIVAN

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Phinzy, James

and the amended report was adopted.  
Ordered to third reading.

### WITHOUT OBJECTION

Without objection, the Speaker ordered the debate on HCR 14 be printed in the Journal.

### DEBATE ON HCR 14

#### SAPARETO FLOOR AMENDMENT

Rep. Sapareto: Thank you, Mr. Speaker. The only difference in this amendment to what is printed in the other version is at the bottom where it refers to "legislature hereby finds and declares that the school tax structure in effect prior to the Claremont II decision." It says now, "may continue to be used until such time as modified by the representative branches, and has been modified by the representative branches," which it has been. This brings this up-to-date. My intent of this is just to be certain that we are in no way intending to utilize the previous tax structure right now, and it's not in place and we are not raising local property taxes. That is why I have made that change in this amendment.

Rep. Herman: Thank you, Mr. Speaker. I rise in support of the floor amendment in front of you. Originally, I had offered a floor amendment that is in your seat pockets that made several changes to the original committee report. My changes are included in Rep. Sapareto's floor amendment. The changes that are here remove the words "unconstitutional" and "constitutional" throughout the original HCR. There was concern by many members when speaking to them that the original bill said that the Supreme Court acted unconstitutionally and they felt that the Supreme Court, and I agree, can't act unconstitutionally. So, wherever those words were in the original HCR 14, my

amendment and now Rep. Sapareto's amendment have replaced them and those places are: In the first paragraph of the bill, if you look at Rep. Sapareto's amendment, approximately the 5<sup>th</sup> line down starting.... "hereby find that the New Hampshire supreme court decisions in the Claremont cases were wrong," previously that had said "were unconstitutional." And the other change in the 4<sup>th</sup> paragraph of the bill, section b further down "Therefore, the legislature finds that it is wrongful for the judiciary....," originally it had said "unconstitutional for the judiciary." Those are the changes my original amendment was going to make. Rep. Sapareto's floor amendment makes those changes, too, and then he explains the changes at the bottom. So I would ask you to support Rep. Sapareto's floor amendment.

Speaker: Would the member yield to a question? Rep. Leishman you may inquire.

Rep. Leishman: Thank you, Mr. Speaker. Thank you, Rep. Herman. If I understand this, now many members of the House said you ought to vote for this because it's "feel good" legislation, but if you moved down the path and this proceeds down to a constitutional amendment, Rep. Herman, being from Milford like you and I are both, wouldn't that mean that our town, if we went back to the old way of doing things, would see a \$6 million increase in taxes?

Rep. Herman: Passage of HCR 14 in no way changes any revenues or expenditures by part of this legislature. To change any amount of money that this legislature is spending currently or in the future would require future action of this body. HCR 14 would not result in less money to your taxpayers.

Speaker: Does the member yield to another question? The member yields, Rep. Jacobson you may inquire.

Rep. Jacobson: Thank you, Mr. Speaker. Rep. Herman, I'm interested in the word that you use "wrongful" and "wrong." Now, is the intention of that to be a violation or is it merely a belief?

Rep. Herman: Clearly, it is a belief. That's the purpose of a House Concurrent Resolution.

Rep. Giuda: Thank you, Mr. Speaker. Esteemed members of the House, I rise in support of Rep. Sapareto's amendment. It makes some very clear changes to a bill that is very important to our House and to clarify separation of powers between the judiciary and the legislative. I rise in support. I ask you to do the same. Thank you.

### DEBATE ON HCR 14 AS AMENDED

Speaker: Rep. Kelley is recognized.

Rep. William Kelley: Thank you, Mr. Speaker. I rise in opposition to HCR 14 for the plain and simple reason because of my conscience. Sitting in this House for the past three years, I've seen what we haven't done. I have been approached by many, many people today, yesterday, by telephone to try to change my vote on this. I choose not to. What I did do was go to my number one supporter who is my wife, Marge, and I asked her to read the blurb. She gave me a fresh insight on how she saw what the blurb was saying. This is what she said to me. "The blurb written as is, it is an insult in a psychological game to distract from the bottom line; a ploy or scare tactic that intimidates a decision to either or." It is supposed to be our goal to strive for excellence? Can we assure an adequate education thus insuring that adequate is nothing less than excellent? I don't have the answer to that question. I don't believe too many people in this room have that answer. What does this bill do? What does it have to do with the welfare of the children? Does it reflect them? This bill says that not only are the parties in dispute of power, but the parties themselves have a conflict of power within. Have we as a body worked together for the benefit of those who put us here? Lastly, I would like to leave you with this. The almighty dollar does not pay for excellence. The conscience, ethics and obligation of this body is to achieve or accomplish that what's guaranteed every child, to be cherished as the constitution states. I could go into a lot of different things as to why I am standing here, but really it doesn't make any difference. This isn't about separation of power. This is about a statement. Do we really want to get into a fight? If we wanted to get into a fight, we should have done it six years ago which we did not do. Thank you.

Speaker: The Chair recognizes the member from New London, Rep. Jacobson.

Rep. Jacobson: Thank you, Mr. Speaker. I would like to request a quorum call.

Speaker: Rep. Jacobson requests a quorum call. The Chair declares a quorum present and recognizes Rep. Jacobson to speak to the committee report of Ought to Pass as Amended.

The House will please be in order.

Rep. Jacobson: First, before I begin I would like to protest the order of which the speakers have been arranged. It violates everything that I know of in order to provide an equal and free discussion. Now, to the question. First of all, I would like to say that there has been a lot of things said

about the Claremont II decision that are erroneous. There's not a single sentence in the entire decision that suggests any kind of tax. Secondly, it does not require any kind of uniformity, you can have differing library resources, you can have different classroom sizes. It does not demand that. It actually deals with one question. And that question is, "Shall the citizens of New Hampshire pay for public education in a really proportional and reasonable way?" That's what this decision calls for, and that's all it calls for. Now, there are lot of little references to the constitution and I would like to point to a couple of them. One of them is Part I, Article 12 and what that portion of the constitution calls for is that every citizen in New Hampshire shall pay his just share. That's what that constitutional provision calls for. Now, there's been a lot of discussion about Part II, Article 83 and this proposed HCR focuses on the question of "cherish." But that's the wrong focus. The real focus is this: that it is "the duty of legislators and magistrates" which is to say, it is the duty of this general court and the executive branch, to embrace all the advantages of public education. That's what Part II, Article 83 says. And that is the heart of the matter. Now, it's ironic that in listing all of these parts of the New Hampshire constitution, they left out one important one, Part I, Article 35, which gives to the court that constitutional authority to interpret the laws of the state and the administration of justice. It's there in clear, cold language. Now, this is an HCR and we could adopt 50 of those in any given day. We could adopt ten every day. But an HCR does nothing. And what I don't understand is why the sponsors of this HCR didn't grab the bull by the horns and propose the kind of legislation they talk about in the HCR. That I cannot understand. For example, in the HCR they argue that education funding is at zero dollars. Alright, put that in the legislation. That education funding is at zero dollars. Secondly, you can put in the legislation that the state may supply monies to pay for part of the educational costs of the state. According to them, they don't have to pay for anything but let's put it in. Thirdly, that any funds for public education, not appropriated by the federal government, which I think grants 3% or some such figure, and by the state must be appropriated by the local taxing unit of the school district. Because those are the three things that they argue for in this resolution. I think what should happen is that the sponsors of this resolution should come out with the legislation and then we can debate it. I urge you not to pass this HCR even though your possible voting for it means absolutely nothing beyond the moment. Thank you.

Speaker: The Chair recognizes the member from Hudson, Rep. Alukonis.

Rep. Alukonis: Thank you, Mr. Speaker. There's a quote that I'll never forget, it has stayed with me about 20 years now, and it reminds me of my duties as a legislator, as a local official, and, more importantly, as a citizen. Somewhere, early eighties, mid-eighties, there was a fellow elected member of a board on which I sat that said one night at a public meeting, "If it weren't for that pesky constitution, we would be able to do so much more." That pesky constitution. I was as dumbfounded and offended then as I am now, and I hope that you are and that any other elected official could be at hearing someone utter that phrase. Mr. Speaker, I am not an attorney, nor am I a constitutional scholar but that phrase so long ago led me to read and reread, yet again, over and over again, the state's constitution. I am not an expert, but then again, the constitution was not written for experts. It's written not just for judges and the courts, it was written by ordinary people for the people; it was written for the general public. It was written for us. It is not difficult to understand. Judge it against the legislation which we generate here in this chamber. Judge it against the rules and regulations which are promulgated by our state agencies. Comparatively, it's a very easy read. Mr. Speaker, we have each taken oaths to uphold and defend the constitution. That duty does not stop at the threshold of being able to interpret and apply the constitution to present day issues and problems. Indeed, it is the responsibility of each and every one of us to interpret and understand that framework. How many times has a member of this House in an address declared that a certain provision of legislation was or was not constitutional? Our own rules call for our vice chairmen to review legislative proposals for their constitutionality relative to Article 28a. Do we seek the court's opinion in everything we do? Does the legislature act only as a consequence of the court's rulings? Of course not. Interpreting the constitution is part of our job. Mr. Speaker, legislators make mistakes. Legislatures make mistakes. Judges make mistakes and, yes, courts, too, make mistakes. If courts didn't make mistakes there wouldn't be courts of appeal. There would be no supreme court. There would be no system of checks and balances. But, Mr. Speaker, courts do make mistakes and I believe in my heart and soul that the court was wrong in Claremont. I am sworn to uphold the constitution and I believe like so many members of this House that the general court must make a statement asserting that error, acknowledging the court's mistake. And so we have the Concurrent Resolution 14. What is HCR 14? It is a statement of legislative and constitutional conscience. Our

own rules clearly define what a concurrent resolution is: A concurrent resolution "may be used to put the legislature on record as supporting or disavowing some aspect of national or state policy." It further states that a concurrent resolution does not have the effect of law. HCR 14 is simply and only a statement of belief, of conscience. So, will adoption of HCR 14 reduce or eliminate the state's current level of funding the public schools? No. Will the adoption of HCR 14 wipe away the adequacy, report cards, or other valuable and beneficial educational initiatives which this legislature and governor have enacted over the past few years? No, it will not. Mr. Speaker, as chairman of the Hudson School Board, am I concerned that adoption of HCR 14 will degrade or devalue the education of my 4,125 students or that it will adversely impact or increase the taxes of the 25,000 residents and taxpayers in Hudson? No, I am not. I first sat in this chamber in the early 70's. I was perhaps 11 or 12 years old when my father, like yours before you, served as a member of this House. But unlike yours, Mr. Speaker, mine sat in Division 2. Yes, he was a Democrat. I'm not done yet. He served as a member of this House and a member of the Judiciary Committee. He was a Democrat until 1986 when he switched parties and voted for me, a Republican. I'd like to think that he was following in my footsteps. The first vote I ever cast was in 1980 in the presidential primary for Ronald Reagan. Well, in the aftermath of Claremont, in those hours afterwards, and many times in the years since, my father has repeatedly said to me, "The court cannot do that, they are wrong. The legislature needs to do something." Well, Dad, if you are listening down there in Hudson, you're right and believe me, that's not something I say very often. The court is wrong and today we are doing something by voting in favor of HCR 14. Thank you, Mr. Speaker.

Speaker: The Chair recognizes the member from Walpole, Rep. McGuirk.

Rep. McGuirk: Thank you, Mr. Speaker. Members of the House, I received, as you received just recently, the floor amendment that was just adopted by this House, the Sapareto amendment. Sometimes you have to be very careful with words and how you use words. I am no English major and I never was, I never professed to be. But the paragraph replacing the resolution referring to the funding, it says... "may continue to be used." If it's the intent of this body, here today, to continue the level funding as the honorable member from New London said put it in legislation and put it here before this body for a vote. Now, a lot of us think, or some of you might think, that Claremont II or Claremont I is responsible for our being here today to discuss HCR 14. Let's go back and look at a little bit of history, folks. Now, I'm not up to speed on the court cases that took place that ultimately led to what we term the Augenblick formula. There were school court cases back in the 80's. And out of those cases came an agreement that they would fund education in this state to a certain degree with a certain amount of dollars. Those promises were never kept. I'm proud to say, that there are a few of you as I look around this room who were here back in 1994 when this very body, and I will also say the Senate on the other side of that wall, passed legislation sponsored by my Democratic leader, Rep. Burling from Cornish, and former Rep. Amanda Merrill from the coast and others to fully fund Augenblick. And as I was surprised back when you folks encouraged me with your votes on the legacy and succession tax, that was a surprise to me back in 1994. It passed both bodies. It was defeated by then sitting Governor Merrill. And here we are today. Struggling, with a decision made by the supreme court to fund education in this state. It's funny how history comes back to bite you. If you can't grab something good in the past and hang onto it and realize the significance of that which was passed, then we end up in the position we are today. So, in closing, watch out for words. You can go back to your constituents tonight, tomorrow or this weekend and say, "Yes, I slapped the supreme court today." I'm not going to do that. I'm going back to my constituents and I'm going to say, "Watch out folks, your property tax bill in 2003, 2004, 2005 might be quite high." Thank you, Mr. Speaker.

Speaker: The Chair recognizes the other member from Walpole, Rep. Pratt.

Rep. John Pratt: Thank you, Mr. Speaker. I hope I'm not here to oppose my fellow representative from Walpole. This is about the fifth mental revision of the speech that I've made in the last 30 minutes and I'm going to begin by cutting out the first half. So I'm going to start by saying to me it doesn't really matter whether in the end you favor Claremont I and II or you oppose Claremont I and II. This is not a good resolution and I would like to say why. And I would like to say why by responding if I could to what I thought were very intelligent remarks, very clear remarks by the gentleman from Hudson. If this was a simple resolution that said those that think the court decided correctly, go to the aisles on the right, those that think it decided incorrectly, go to the aisles on the left; if that's what is was, whether this was right or wrong; that would be one thing. But, we have gone beyond that. I commend, frankly, the leadership for drawing back from what was highly

dangerous language, highly dangerous language and I think you have done a good thing. But you still have left language in it which is terribly troublesome and ought to trouble everyone in this House. Because as it now reads, the first paragraph ends by saying,... "accordingly, these aspects of the Claremont I and Claremont II decisions and any and all consequences that flow therefrom do not have the force and effect of the law." That is to say that this House has decided what laws it deems proper and what laws it deems not to have to obey. And I say to the gentleman from Hudson; he went back to 1980. I go back to 1960. And there arose in the 1960's in the United States a constitutional doctrine called nullification. It was the doctrine that was adopted by the Governor of Arkansas and the legislature of Arkansas when they denied children the right to go to Little Rock High School. It was the doctrine adopted by Governor Barnett of Mississippi and the legislature of Mississippi when they denied James Meredith the right to go the University of Mississippi. It was the doctrine adopted by George Wallace and legislature of Alabama when they denied admission to the University of Alabama. That doctrine simply says where we believe the court has erred, we will nullify that decision and it will not have the force and effect of law. I don't know exactly if that was the intention of the proponents of this resolution, but that is what it comes down to saying and nobody is clearer on this than the editors of *The Union Leader*. I want to read to you just one paragraph from *The Union Leader*, although it was on the original amendment, I think it still stands. "After all," said *The Union Leader*, "what can the court do should the legislative branch refuse to abide by one of its decisions? Nothing. If lawmakers have the willpower to defy the court, and if the governor refrains from calling out the National Guard to enforce the court's ruling, then the ruling becomes de facto. Null. Void. Which is just what the proponents of HCR 14 want." And they are right. They are absolutely right. And it took President Dwight David Eisenhower to call out the federal troops, the 82<sup>nd</sup>, to go to Little Rock. And it took President John Kennedy to call out the same 82<sup>nd</sup> to go to Oxford and to call up the National Guard in Alabama. This is a dangerous road. Now, I've heard that in the end it doesn't mean anything, but I urge caution. I urge caution. What we say does mean something and when we set ourselves up, above the court, which is what we are doing, we are going down a dangerous road. I beg you do not go there. Thank you, Mr. Speaker. Speaker: The Chair recognizes the member for Sunapee, Rep. Leone.

Rep. Leone: Thank you, Mr. Speaker and colleagues of the House. First, I would like to make one thing clear which perhaps has been brought up today. I have been a member of the Main Street Republicans for the last four years and I want it understood in no way am I representing the Main Street Republicans or am I speaking for them. I am speaking on my own and I am speaking for my constituents in my three towns. I rise today to support HCR 14. I'm not here to argue adequacy or whether the funding should be \$700 million or \$680 million or \$980 million, whatever. I'm here to debate whether it should fund this education thing or not fund it. Right or wrong, to be perfectly candid, my record shows that I have been willing to put most anything on the line, on the table for discussion, in the last four years. I'm not here for that reason, Mr. Speaker. Rather, I'm here to protect the integrity and the sanctity of the property tax. It has been abused long enough during this process. I rise to protect it and the one tax that all our communities need as a common thread or catalyst in maintaining our local schools, local municipalities and pay our county bills. It has been and should continue as our foremost instrument in providing basic, local government services which is commensurate with our ability and propensity to maintain or keep local control — a very important issue in New Hampshire. It is our common life blood and is applicable to all of us. All of the parties and agencies should keep their hands off. Raiding the local property tax is becoming a serious threat to all of our communities and it needs to stop. We can no longer tear the bricks and mortar from the very foundation that has kept this great state sustainable since its beginning. Mr. Speaker, the local property tax, again, the life blood of our communities, should not serve as a supplement for other programs as currently exists at this time. Rather, it should be the other way around. It needs to carry the bulk of the local burden and then be supplemented by other revenue sources when and if necessary. Otherwise, local control as we have known it will be history. Mr. Speaker, this state has been through a horror story over an educational funding debate for slightly over four years now. Let us pave the way for a solution. We can start that process within the next hour. Now is the time for us to take the first step on the road to a constitutional amendment. HCR 14 is that step. Our constituents have been clamoring to vote for a constitutional amendment to address this issue for some time now. They are weary and we are weary. My heart is telling me that the least restrictive way toward a solution at this time is to extend this courtesy to the wonderful citizens of this state. Only when we truly know the hearts and wishes of the people will we begin



to formulate a solution which will have meaning. Based upon the conditions before us, I submit that there are not many other ways. Let our hearts follow HCR 14. Let real freedom ring. Save and bless the state of New Hampshire and God bless America.

Speaker: The Chair recognizes the member from Amherst, Rep. Spiess. The Chair announces that I have taken the previous question.

Rep. Spiess: Thank you, Mr. Speaker. I rise to speak in opposition to HCR 14. I do so mindful that the proponents of this bill have come forward with honest conviction and understandable indignation that this issue has been thrust upon us by a decision of the courts. No one likes to be told by another that we got it wrong, now go make it right. However, Mr. Speaker, this body cannot claim innocence to the sequence of events that led to Claremont I and II. At every point along this tiresome journey, this body has had the opportunity to express its will and to act to define and defend the state's obligations. My opposition to this bill stems from a deep seated belief that a resolution to this conflict will come only from compromise and conciliation, not confrontation and the assessment of blame. I care not what the court does or says. Their action is their prerogative. But I do care very much what we, this body, which most closely represents the interests of the citizens of this state, does. Our action today will define whether we are capable of putting the animus of Claremont behind us and move forward on the important issues of defining adequacy and accountability and thorny dilemma issue of funding. Let us not regress back to a war of words and political posturing. That can serve only to make these important tasks more difficult to accomplish. I believe that each of us are men and women of good will who passionately and energetically pursue our honest beliefs. It demeans us individually and collectively to seek confrontation rather than conciliation, to seek to assess blame rather than to accept responsibility. Let us gently set aside this bill and define ourselves by our actions and not our words. Thank you.

Speaker: The question before the House is on the adoption of the majority committee report of Ought to Pass as Amended. The Chair recognizes the final speaker, the member from Jackson, Rep. Mock.

Rep. Mock: Thank you, Mr. Speaker. Members of the House, I rise today not to talk about Claremont I, not to talk about Claremont II, I'm here to talk not about shooting a deer over a bag of grain. I'm here to talk about something much more serious, much more concerned with something that you will always hear in every speech that I give from this podium. And that is that thread of fairness. You will never hear me up here condemn anyone of the branches of government and particularly that judiciary for which I have received some kind of a reputation for knowing something about. I rise today to speak briefly about a resolution which is before us which may prove to be one of the most, single most, important judicial reform acts which we may confront this session. A resolution that will separate the wheat from the chaff. A resolution whereby the House can speak clearly and loudly, where the House can exert its legal and moral courage and its authority to act on its on initiatives in solving the complex issues of that decision that I said I would not mention. This resolution simply does this. It affirms the well settled proposition that the power to make laws rests with the people's representatives, you. The power of judicial review, the power of the courts does not possess the authority to direct another branch of government to pass certain legislation. Their power is to answer the question. "Is that law constitutional or is that unconstitutional?" Short and sweet, plain and simple. Another country boy stood up here earlier and said that this HCR meant absolutely nothing and another representative from my committee stood up here and said, "Oh, yes, it does, it means a great deal." They both came from the Judiciary Committee. In this case, I agree with the Democrat. He's right but I agree with him for different reasons. What we are doing here today is changing a philosophy of subservience that has controlled this House for the past three or four years where we have become a body that reacts whether than a body of pro-action. I'll give you an example. Right now, on the table somewhere in this building, there is a proposition to target school districts who are most in need of help financially. Can we, as a legislative body, target additional funds to those districts? Instead of doing it, what have we done? We have asked the court. "May we do this?" Why are we always there on bended knees always asking? We are the lawmakers. We should be doing that. All this HCR 14 does is to change the feeling here, change the philosophy, let's get down to work and go forward. Always the court should be there. Always the court should be respected but don't let them write the bill. This bill does not alter any laws and it does not make any laws. It can be summed up this simply. Instead of running around to the court and asking permission to do something, we are trying to tell ourselves, we have the power to do it. Go ahead and do it and then face the constitutional consequences. That sounds fair enough to me, and there's that word, and apparently it sounded quite fair to our founding fathers. The courage to pass

this resolution will make the statement that this House has the fortitude to face any interference and any intimidation from the judiciary head on. It will allow us to once again implement the best policies for the education of New Hampshire's children and the best policies for New Hampshire citizens. A founding father of our constitution said this, "Power is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However, where is the check on the power of the judiciary? If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny." Patrick Henry. In conclusion, as the governor so eloquently said this morning, New Hampshire, indeed America, underwent a transformation as a result of September 11<sup>th</sup>. Let the passage of this resolution be the new spirit, the new commitment, the new energy that the governor reminded us of. And let those principles and that of fairness guide this House in solving the people's problems. Thank you.

### **RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 24, 2002 at 10:00 a.m.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.

**HB 298-FN-L**, relative to charter schools and establishing a charter school revolving fund.

**HB 560-FN-A**, establishing a contributory judicial retirement plan.

**HCR 14**, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

### **RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:00 p.m.

### **RECESS**

**(Rep. Thomas in the Chair)**

### **RESOLUTION**

Rep. Elliott offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1422 and House Concurrent Resolution 28 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF HOUSE BILL and HCR**

#### **First, second reading and referral**

**HB 1422**, establishing certain positions in the insurance department. (Kurk, Hills 5; Hunt, Ches 10; Burns, Dist 1; Wheeler, Dist 21: Commerce)

**HCR 28**, urging increased federal funding for quality breast cancer research. (Pepino, Hills 40; Foster, Hills 10; Langley, Rock 24; M Fuller Clark, Rock 36; Wheeler, Dist 21; Pignatelli, Dist 13; Roberge, Dist 9; O'Hearn, Dist 12; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

### **RECESS**

(Speaker in the Chair)  
**COMMITTEE ASSIGNMENTS**

Rep. Marie N. Rabideau on Labor, Industrial and Rehabilitative Services.

Rep. Julie M. Brown, on Children and Family Law; off Legislative Administration.

Rep. Christopher J. Seibel on Legislative Administration; off Children and Family Law.

Rep. Lars T. Christiansen on State-Federal Relations; off Labor, Industrial and Rehabilitative Services.

Rep. Matthew J. Quandt on Municipal and County Government; off State-Federal Relations.

**SENATE MESSAGES**

**REFERRED TO INTERIM STUDY**

**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather.

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

**CONCURRENCES**

**HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system

**HB 393-FN**, relative to plant nurseries and nursery stock.

**HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court.

**NONCONCURRENCES**

**HB 154**, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

**HB 252**, relative to rules promulgated by the supreme court.

**HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature.

**HB 485**, relative to physicians employed by hospitals.

**HB 495**, relative to judicially appointed officials.

**HB 512**, relative to off-site improvements imposed on applicants to a planning board.

**HB 553-FN-L**, requiring background checks for nursing home employees.

**HB 669**, requiring certain safety devices on freight locomotives.

**RECESS**

(Rep. Tholl in the Chair)

**RESOLUTION**

Rep. John Flanders offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1423 and 1424 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

**HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. (Clegg, Hills 23; Burling, Sull 1; Welch, Rock 18; Kurk, Hills 5; Craig, Hills 38; Francoeur, Dist 14; Hollingworth, Dist 23; Criminal Justice and Public Safety)

**HB 1424**, prohibiting the acceptance of certain funds within the university system of New Hampshire. (Pappas, Hills 48; Palangas, Hills 41; Tsiros, Straf 3; Kacavas, Hills 37; Buckley, Hills 44; Education)

**RECESS**

(Rep. Tholl in the Chair)

**RESOLUTION**

Rep. John Flanders offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 186 and 385 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 186-FN**, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators. (Criminal Justice and Public Safety)

**SB 385**, relative to electric personal assistive mobility devices. (Transportation)

**RECESS**

**(Rep. Welch in the Chair)**

**RESOLUTION**

Rep. Stevens offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1425 through 1427 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1425-FN**, relative to protective custody for intoxicated or incapacitated persons. (Welch, Rock 18; Nedeau, Belk 1; Rodd, Merr 3; Knowles, Straf 11; R. Cooney, Rock 26, Tholl, Coos 5: Criminal Justice and Public Safety)

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. (Knowles, Straf 11; K. Gilbert, Rock 19: Criminal Justice and Public Safety)

**HB 1427-FN-A-L**, establishing a property tax relief program for low income homeowners. (Peterson, Hills 8; J. Bradley, Carr 8; Craig, Hills 38; Flanders, Dist 7; D'Allesandro, Dist 20: Ways and Means)

**RECESS**

**(Rep. Burling in the Chair)**

**RESOLUTION**

Rep. Martha Fuller Clark offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1428 through 1430 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1428-FN-L**, relative to the formation of statewide cooperative purchasing agreements within school administrative units. (Peterson, Hill 8; Moran, Hills 15; Leishman, Hills 13: Education)

**HB 1429**, relative to the scope of the consumer protection act (Marshall Quandt, Rock 20; Keye, Hills 30; M. Fuller Clark, Rock 36; Spiess, Hills 14; Marshall, Graf 2, Matthew Quandt, Rock 20; D'Allesandro, Dist 20; Flanders, Dist 7: Commerce)

**HB 1430**, relative to appeals in actions against tenants. (Rowe, Hills 14; Wall, Straf 9; Gordon, Dist 2: Judiciary)

**RECESS**

**(Rep. Herman in the Chair)**

**RESOLUTION**

Rep. Thulander offered the following: **RESOLVED**, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1431 through 1434 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1431**, relative to the required term of service for jurors. (DiFruscia, Rock 27; Ford, Hills 28; Bergin, Hills 16; Roberge, Dist 9; Fernald, Dist 11: Judiciary)

**HB 1432**, establishing a committee to study the use of drug concentration levels to enforce prohibitions against driving under the influence of drugs. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13: Criminal Justice and Public Safety)

**HB 1433**, prohibiting constructive possession of alcohol by minors. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 1434**, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinizy, Sull 7; DiFruscia, Rock 27; Hunt, Ches 10; Dickinson, Carr 2: Commerce)

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 4**

January 24, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Let us pray. Ever gracious Creator, we lift up to You today the citizens of each of our communities who have honored the members of this House by sending them here to be their voices as democracy's riches are employed. May each be protected from harm today and may each experience the many blessings of life in our beloved New Hampshire. Bless also the work that is done today in this, the people's House, so that those who most need the assistance of government may be supported and comforted.

As always, we ask that Your protection be with those who serve our state and country by risking their lives to defend and preserve our precious freedom. Amen.

Rep. Margaret Case led the Pledge of Allegiance.

The National Anthem was sung by Katie Magoon, student from Pittsfield High School.

**LEAVES OF ABSENCE**

Reps. Arnold, Bruno, Crosby, Dudley, Flanagan, Ginsburg, Guay, Landers, Lyman, Owen, Pilliod, Judith Sullivan and Zerba, the day, illness.

Reps. Arndt, Balcom, Barker, Bridle, Perley Davis, Dexter, Dunne, Edwards, Flora, Marilyn Fraser, Letourneau, O'Keefe, Pantelakos, Marsha Pelletier, Salts, Seldin, Taylor, Wallner, Weatherspoon and Zolla, the day, important business.

Reps. Paula Bradley and Flint, the day, illness in the family.

Reps. Mock, Robertson and Thompson, the day, death in the family.

**INTRODUCTION OF GUESTS**

Bob and Tracy Magoon, Susan Hipkiss, Amber Carr, guests of the Speaker. Rep.-elect Carol Burney, guest of the Merrimack County Delegation. Julie Larochelle and Tom Autis, guests of Rep. Emerson.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 23**

Memorializing State Representative James A. Whittemore of Franklin

WHEREAS, we have learned with great sorrow of the death of our friend and colleague James A. Whittemore of Franklin, who was serving his eleventh consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, having been a member of the Committees on Executive Departments & Administration and Ways & Means for one term each, and Resources, Recreation and Development for six terms, Jim Whittemore was currently serving his fourth term as a valued and respected member of the Committee on Public Works and Highways; and

WHEREAS, having been born in Andover, Jim grew up in New Hampshire, graduated from Proctor Academy and Keene State College, and taught school in Sanbornton, Boscawen and Concord before serving with the United States Army in the North African and Italian campaigns during World War II, attaining the rank of Regimental Sergeant Major; and

WHEREAS, upon settling in Franklin, Jim Whittemore served his community in a myriad of ways, helping to organize Dollars for Scholars, chairing the March of Dimes fund drive and the Franklin Red Cross, being active in Little League and Boy Scouts, serving on the Planning Board and School Board, and serving for thirteen years as Director and President of the Trustees of Franklin Regional Hospital; and

WHEREAS, Jim Whittemore served for over ten years on the Joint Legislative Historical Committee, helping to oversee the care, restoration and preservation of the many paintings and other objects of an historical nature in the State House, Legislative Office Building and Upham Walker House; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that James A. Whittemore be granted high praise for his outstanding service to his community and state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to members of his family, and that a suitable copy of this Resolution be prepared for presentation to them.  
Unanimously adopted by a rising vote.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 237 and Senate Bill 141.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, removed by Rep. Patten.

**HB 1315**, relative to requiring revaluation of property, removed by Rep. DiFruscia.

**HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour, removed by Rep. Vaillancourt.

Consent Calendar adopted.

**HB 1212**, relative to certain disclosures in real estate sales. **INEXPEDIENT TO LEGISLATE**  
Rep. Leo W. Fraser, Jr. for Commerce: This bill would require sellers of real estate to disclose potentially offensive off-site conditions that may be considered offensive to the buyer, and the buyer in turn must acknowledge receipt thereof of the notice. This proposed bill would be almost impossible to regulate and it would require the seller to determine what is offensive. Further, most, if not all of what is proposed in the bill is already codified in RSA 477:4-d. Vote 13-0.

**HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill provided that bomb threats made in a safe school zone would be reported to a local law enforcement agency and that any person convicted of making a bomb threat could be subjected to an enhanced penalty. Addressing the second issue first, RSA 631:4 already provides an extended penalty. The committee is aware that a senate bill will be coming forward that is comprehensive and covers the concerns expressed requiring the reporting of bomb threats. For these reasons the committee recommends inexpedient to legislate. Vote 13-0.

**HB 1122**, establishing a committee to study statistical patterns of DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would establish a committee to study statistical patterns of DWI offenses and whether there is statistical justification for an enhanced penalty for DWI offenses committed during the nighttime. The sole person testifying addressed only a general opinion that it was important to gather statistics and the person testifying was not the sponsor. The committee was not convinced that DWI occurring during the day was any less serious than DWI committed at night. Vote 14-0.

**HB 1222**, exempting ice-out contests from the laws regulating games of chance. **OUGHT TO PASS**  
Rep. Robert M. Fesh for Criminal Justice and Public Safety: 50/50 events were originally defined as games of chance under NH law. The law was amended effective July 7, 2000, under Chapter 115 of the Laws of 2000 and now specifically defines 50/50 games as a raffle, removing it from the jurisdiction of the games of chance statute. Similarly, this bill will remove ice-out contests from the definition of games of chance under RSA Chapter 287-D and no permit will be required to conduct these games. Vote 14-0.

**HB 1261-FN**, relative to penalties for DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have increased certain penalties for operating a motor vehicle while under the influence of drugs or alcohol. No

testimony was presented in support or opposition to this bill. The accompanying fiscal note estimated an increased cost to the state because of an anticipated decrease in guilty pleas and a resulting increase in the number of trials. For these reasons it was the unanimous vote of the committee to recommend this bill inexpedient to legislate. Vote 14-0.

**HB 1309**, prohibiting arrests for violation-level offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: After careful consideration, the sponsor of this bill concluded that this bill should not be considered at this time. The sponsor after research and conversations with the Department of Safety and Police Standards and Training, concluded that as attractive as this bill is on its surface, there are far too many violations that are, or could be, problematic if arrest was not an option. It would further hamstring the police department's ability to act on potentially dangerous situations. Vote 14-0.

**HB 1110**, relative to the sale of ferrets. **OUGHT TO PASS**

Rep. John R. Swindlehurst for Environment and Agriculture: The committee received extensive testimony from ferret owners, shelter volunteers and others. The testimony indicated that by increasing the minimum shipping age to 8 weeks the consumers could expect a much healthier animal. Vote 15-0.

**HB 1143**, establishing a committee to study self-certification of hazardous waste small quantity generators. **INEXPEDIENT TO LEGISLATE**

Rep. George T. Musler for Environment and Agriculture: The committee feels that it can carry out the purpose of the study committee without this bill and can propose legislation, if necessary, for the 2003 session. Vote 15-0.

**HB 404**, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill came to our committee as a second committee referral after amendment and positive action by the Commerce Committee and the full house. We concurred with the change made by the Commerce Committee which makes the existing statute consistent with itself on the issue of rulemaking authority for the board of licensing for alcohol and drug abuse professionals. Vote 15-0.

**HB 1241-FN**, relative to salaries for the wardens of department of corrections facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor at the request of the department of corrections introduced this bill. The purpose of the bill was to equalize the salary of the wardens at the lakes region and the northern correctional facilities. The sponsor indicated that this bill was no longer needed as the implementation of the Hay Group report on unclassified salaries has made the changes that the bill addressed. The representatives from the department of corrections and administrative services confirmed this fact. Vote 16-0.

**HB 1248-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee looked at this bill from two major points of view. First, was there a problem? Secondly, what agencies would be effected? We heard no testimony in either the public hearing or subcommittee of any problems of notification for any reason, i.e. change of address, divorce, etc. Therefore, there does not seem to be a problem with members being notified. The detrimental effect on all agencies was a major concern. This bill would require not only all professional agencies but also all occupation agencies to provide notice to each licensee. All agencies currently send renewal to all of their members. To send a 2nd notice to reference the renewal notice would cost thousands of dollars and hundreds of labor hours. This adds a level of bureaucracy to solve a problem that does not seem to exist. Additionally, the bill would allow a licensee to continue to work after their license had expired by simply stating that they did not receive their notification, which could potentially have a negative impact on public safety. Vote 14-0.

**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. **INEXPEDIENT TO LEGISLATE**



Rep. William R. Zolla for Executive Departments and Administration: This bill would have placed the burden of medical expense and resulting disability expense on the retirement system in cases of "injury" or "personal injury" to include a mental injury resulting from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by an employer. Vote 14-0.

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill would allow creditable service in group I and group II to be combined to meet the minimum requirements of the health insurance subsidy provided to retired members. The bill would also provide additional benefits to divorced or widowed retirees who have dependent children. The bill would cost \$6,648,000 to terminally fund from the special account and require \$80,000 from the retirement to establish the data base and a yearly cost of \$30,000 for maintenance of the data base. If a member had spent most of their time in group II, then transferred to group I, all of the cost would come from the appropriate group I medical sub trust while most of the contributions were made to the group II sub trust. With the cost and complexity of the withdrawal of the funds for the individual from the various medical sub trusts, the committee voted to recommend this bill inexpedient to legislate. Vote 13-0.

**HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. **OUGHT TO PASS**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill creates a study committee to look at ways to increase access to medical schools for qualified New Hampshire residents and to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire. Currently New Hampshire residents who want to become physicians have limited access to Dartmouth Medical School and are discriminated against in state medical schools, which give their own residents preference for admission. If a New Hampshire resident is admitted to another state's medical school, as an out-of-state student, he or she currently pays a much higher tuition. This bill proposes studying the many ways to remedy New Hampshire residents having to pay much higher tuition or having to become residents of other states to gain admission to medical schools. By decreasing medical school tuition for New Hampshire residents through contracted seats and encouraging students to maintain their residences in New Hampshire, the study committee will look at ways to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire, facilitating an increase in the number of physicians in the underserved North Country. Vote 14-0.

**HB 1168**, relative to ambulatory surgical facilities owned in whole or in part by a hospital. **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel, for Health, Human Services and Elderly Affairs: This bill proposed to allow certain ambulatory surgical facilities to provide recovery care until the patient could be discharged in an ambulatory condition. The committee received additional information making the issue more complex and feels the subject could be better addressed by the certificate of need bill. The prime sponsor agreed and requested that the committee recommend the bill inexpedient. Vote 13-0.

**HB 1257**, relative to oaths by public employees. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill increases the number of people who would be required to take an oath to support and defend the Constitution without clearly defining who would be in that group. Elected public officials already are required to take that oath, and they are responsible for the work of their subordinates. The committee feels that statutes already exist that cover the concerns of the sponsor. Vote 12-0.

**HB 1278**, establishing an abortion waiting period. **INEXPEDIENT TO LEGISLATE**

Rep. Loren J. Jean for Judiciary: At the request of the sponsor who had intended to withdraw this bill, the committee voted inexpedient to legislate. This vote by the committee in no way reflects the sentiments of the members on the merits of the bill. Vote 16-0.

**HB 1368-FN**, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: The prime sponsor of this bill asked that the committee find this bill inexpedient to legislate. The sponsor and the Judiciary Committee felt that the idea has some merit, but it requires a major study which has not been done. The committee heard testimony that many aspects of Federal procedure do not conform to New Hampshire practice and rules and that imposing the Federal rules on the New Hampshire court system would cause far more harm than benefit. Vote 12-0.

**HB 1379-FN**, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill, if passed, would mean that all statutes, rules, regulations and orders that do not conform strictly to Part I, Article 7 of the New Hampshire Constitution, shall be deemed void and unenforceable. Under our current system, if the legislature passes a law, its constitutionality can be challenged before the judiciary. This bill would not allow such a review. In addition, this bill would remove all elected and appointed officials and members of their personal staffs from State laws on deferred compensation, labor law protection, payment of wages, whistleblowers protection act, safety and health of employees, toxic substances in the workplace, minimum wage law, and workers compensation. The committee found the bill to be too encompassing, complex and would cause confusion if passed. Vote 13-0.

**HB 1142**, relative to the advisory council on unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The amended bill would require the council to meet on a regular basis. This change would encourage greater public attendance. Vote 15-0.

#### Amendment (211h)

Amend the bill by replacing all after the enacting clause with the following:

1 Advisory Council. Amend RSA 282-A:128 to read as follows:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, ~~[upon recommendations of the commissioner]~~ by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall *meet no later than 45 days after each calendar quarter* and aid the commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. *Advisory council meetings shall provide opportunity for public comment.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill deletes the requirement that the commissioner of labor recommend to the governor potential appointees to the advisory council on unemployment compensation.

**HB 1161**, relative to youth employment. **INEXPEDIENT TO LEGISLATE**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: As per the sponsor's request, this bill is recommended as inexpedient. Vote 14-0.

**HB 1384**, making certain technical changes to the workers' compensation law. **OUGHT TO PASS**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill was introduced at the request of the Labor Department and makes certain reference changes in the workers' compensation laws. Vote 14-0.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This amendment allows for the adoption of an additional elderly net asset qualification for an elderly resident by the local municipality. Currently, there is only one amount allowed (no less than \$35,000) for net assets in the elderly exemption statute (RSA 72:39). Once the municipality votes to include this net asset qualification it shall apply to a surviving spouse until sale or transfer of the property or until the remarriage of the surviving spouse. This bill also clarifies references to consecutive years of residence and marriage of persons in certain property tax exemption statutes. Vote 15-0.

#### **Amendment (2102h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to a net asset qualification for the elderly property tax exemption for married persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Property Taxation; Conditions for Elderly Exemption; Consecutive Years of Residence. Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least 5 *consecutive* years preceding April 1 in the year in which the exemption is claimed.

2 Property Taxation; Conditions for Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-a, I(c) to read as follows:

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 *or, if married, combined net assets in such greater amount as may be determined by the town or city.* "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

3 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of \_\_\_\_\_, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 *consecutive* years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to *each other* for at least 5 *consecutive* years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a dollar amount not less than \$35,000 excluding the value of the person's residence) *or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.*" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. *The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.*

5 Exemption for the Disabled; Qualifications Clarified. Amend RSA 72:37-c, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt an exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 *consecutive* years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married *to each other* for at least 5 *consecutive* years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

6 Tax Deferral for the Elderly and Disabled; Qualifications Clarified. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 *consecutive* years; and

7 Effective Date. This act shall take effect April 1, 2002.

### AMENDED ANALYSIS

This bill allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

**HB 1369-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. **INEXPEDIENT TO LEGISLATE**

Rep. William Johnson for Municipal and County Government: While the spirit of this bill may be well intentioned, it is redundant and would disrupt a process that the legislature already put into motion by virtue of legislation passed in 2001. SB 193, signed into law last July, set up administrative procedures relative to the changes in the property tax system, established assessing and equalization standards boards, prescribed an appeal process through the Board of Tax and Land Appeals, and requires assessors to be certified by the Department of Revenue Administration. The aforementioned Assessment Standards Board is currently in the process of determining appropriate assessing standards to be used by local municipalities. SB 193 also gave DRA the power to audit assessors and contract with them for evaluation independent of the municipality in the event of non-compliance. Furthermore, the legislature passed HB 170 which incorporated provisions developed by the Property Tax Working Group to address the issues of revaluation. In response to this bill, the DRA has already initiated a property tax schedule of certification. Representatives from both the DRA and the New Hampshire Municipal Association testified that both the department and the municipalities could not comply with the deadline for property valuations proscribed by HB 1369, thereby creating a 28-a issue. The committee found that HB 1369 would create an environment of legislative micro-management, conflict between state departments, and disruption of a process already in progress. Finally, the ability to remove state officials for cause is already set in New Hampshire Statutes under RSA 4:1. The committee was unanimous in its recommendation. Vote 15-0.

**HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro. **OUGHT TO PASS**

Rep. William Johnson for Municipal and County Government: Currently, compensation for the police commissioners of the Town of Wolfeboro is determined in Chapter Law. Last amended in 1979, Chapter 7:1 sets this compensation at \$100 per year. The sponsor of HB 1397 proposes that this decision should be made at the local level through the town's own budget process approved at the annual town meeting. The committee unanimously concurred. Vote 13-0.

**HB 1235**, relative to operation of motorized vessels and safe boater education. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill clarifies sections of RSA 270-D to provide that a person must be at least 16 years of age both to obtain a safe boater certificate and to operate a motorized vessel having more than 25 horsepower. It also directs that fees charged by the Department of Safety for courses, exams or certificates go to the naviga-

tion safety fund. The Department of Safety and the NH Lakes Association both supported the bill. There was no testimony heard in opposition. To date, courses offered by the department have been free. With the introduction of internet/online courses, additional costs are incurred. The law currently states that a fee may be charged, not to exceed costs. The amendment adds that the commissioner shall establish a uniform fee that its agents may charge for safe boater education courses, and stipulates that the total fee for course, exam and certificate may not exceed \$50.00. It allows a person age 15 to take the exam in anticipation of receiving a certificate upon turning 16. The amendment also provides that the bill is effective upon passage. Vote 16-0.

### Amendment (2132h)

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Issuance of Safe Boater Education Certificate; Issuance Upon Attaining Age 16. Amend RSA 270-D:13 by inserting after paragraph III the following new paragraph:

IV. Any person who successfully completes a safe boater education course or safe boater equivalency examination after reaching the age of 15 shall be issued a safe boater education certificate upon attaining the age of 16.

6 Safe Boater Education; Temporary Certificate; Age Inserted. Amend RSA 270-D:14 to read as follows:

270-D:14 Temporary Certificate. The commissioner, or designee, shall issue a temporary certificate of safe boating education to a person **16 years of age or older** who passes a temporary safe boater examination administered by the department or its agents and approved by the commissioner. The temporary certificate of safe boater education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire. Any dealer or renter of boats or employee thereof, who has passed the boating safety education course as provided in RSA 270-D:13, I(a) and is approved by the commissioner, may administer the temporary safety examination and issue a temporary certificate.

7 Safe Boater Education; Course Fee; Navigation Safety Fund. Amend RSA 270-D:17 to read as follows:

270-D:17 [~~Course Fee~~] **Fees.**

***I. The department may charge a reasonable fee for issuing a safe boater education certificate.***

***II.(a) The department[~~, or its agents,~~] may charge a fee for offering a safe boater education course or exam [may charge a fee]. The fee shall not exceed the costs incurred by the department[~~, or its agents,~~] in offering the course or exam [and shall not exceed \$50].***

***(b) Agents of the department may charge a fee for offering a safe boater education course or exam. The commissioner shall establish in rules a uniform fee to be charged by agents for offering a safe boater education course or exam.***

***III. The total of all fees that a person may be required to pay under this section shall not exceed \$50.***

***IV. Fees collected by the department under this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.***

8 Safe Boater Education; Voluntary Attendance. Amend RSA 270-D:19 to read as follows:

270-D:19 Voluntary Attendance. Nothing in this [~~section~~] **chapter** shall prohibit any person **who is 16 years of age or older** from attending a safe boater education course approved by the commissioner under this subdivision and obtaining a safe boater education certificate upon successful completion of the safe boater education course, prior to dates indicated on the phase-in schedule.

9 Effective Date. This act shall take effect upon its passage.

Referred to Ways and Means.

### HB 1132, relative to grip height on motorcycles. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill will amend RSA 266:77 to allow motorcycle riders to have their handlebars up to shoulder height. Current law was written in 1967, thirty-five years ago. Motorcycle design has changed dramatically since that time. The demographics and number of riders has also changed dramatically. There are many riders well in excess of six feet, many over six feet four inches. People come in all sizes and shapes and it is reasonable to expect that a person would be allowed to custom fit his or her handlebar height to fit body size and shape. Many other states have already amended their laws to reflect a similar change. Vote 17-0.

**Amendment (2127h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1283, establishing a committee to study state and local regulation of helicopter landings. IN-EXPEDIENT TO LEGISLATE**

Rep. Robert H. Milligan for Transportation: The bill parallels a study which was to be taken by a committee charged with recodifying aviation laws and associated activities which has not been done since 1941. House Bills 317 and 424 have also addressed these issues. Vote 17-0.

**REGULAR CALENDAR****HB 1332-FN-A, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: The committee heard no compelling testimony to justify legislating an audit of the New Hampshire Housing Finance Authority (NHHFA). Since the authority is a separate entity, unlike a state agency, compliance and oversight is really the responsibility of the federal government. Committee members received adequate documentation substantiating that appropriate performance and financial review are already in place. Even if it were appropriate for the legislature to conduct such an audit, it should be initiated by the Legislative Audit Review Committee and would most likely cost over \$100,000 in contrast to the \$1.00 fiscal note. The committee did agree with the sponsors that we have an affordable housing crisis, but an audit of NHHFA would not solve that problem. Vote 12-1.

Adopted.

**HB 1170, extending the environmental audit program. OUGHT TO PASS**

Rep. Harold P. Melcher for Environment and Agriculture: Extending the repeal allows us to accumulate more data on results of the program. Vote 13-3.

Adopted and ordered to third reading.

**HB 1197-FN, relative to providing notice of invasive species to New Hampshire citizens. INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: This bill would require the Commissioner of the Department of Agriculture and Marketing to annually provide every household in New Hampshire a complete list of invasive species and fines and penalties for harboring such species. No funds were provided and the committee found it inexpedient to legislate. Vote 15-0.

Adopted.

**HB 1265-FN, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The committee determined that this group of gaming inspectors did not qualify for group II status due to the characteristics and responsibilities associated with their jobs as stipulated by the New Hampshire Department of Administrative Services, Division of Personnel. Vote 12-3.

Adopted.

**CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Francine Wendelboe for the Majority of Finance: This proposed constitutional amendment would establish a rational basis standard for Supreme Court review of education funding laws. The committee recommends the adoption of this standard in recognition of the constitutional authority and duty of the legislature to establish policy. What this means is that when the legislature adopts a statute, any Supreme Court review is limited to the question of whether a reasonable connection can be shown between the purpose of the law and the method adopted to meet that objective. A higher strict scrutiny standard of review by the Court intrudes on the legislature's policy-making authority by requiring that the legislature prove that the law adopted is the best way to achieve the objective.

The New Hampshire Supreme Court has stated many times, throughout the line of Claremont decisions, that the legislature has “wide latitude” to establish education policy and education funding policy. The proposed amendment to CACR 7 simply expresses both the policy-making authority of the legislature and the appropriate limited review authority of the court in the education funding area to reflect the “wide latitude” established by the Court. Vote 12-8.

Rep. Marjorie K. Smith for the Minority of Finance: The minority believes adoption of this bill as amended would eliminate, as a practical matter, the New Hampshire Constitution, as a protection against unequal treatment in the access to or quality of education, as well as the manner in which it is funded. Passage would also mean injury, if not death, to the principles of judicial review that have governed this nation and this state for two hundred years.

This significant, constitutional change in the power of the judiciary has been proposed, not by the Judiciary Committee, but by the Finance Committee.

The concept of the separation of powers of each of the three branches is central to our government. So too, however, is the right, indeed the obligation, of the judicial branch to review and resolve questions concerning the actions of the legislative and executive branches. This concept reflects the core values of our founding fathers.

The federal case establishing the principles of judicial review is *Marbury vs. Madison*. In New Hampshire, Levi Woodbury, one of the states most distinguished jurists, articulated the same principles in *Merrill vs. Sherburne* in 1818.

A review of every state constitution has uncovered very few references to judicial review. In two states, Georgia and North Dakota, there are express provisions granting courts the power of judicial review. Michigan’s constitution makes reference to limiting judicial involvement in the recall process for elected officers. California limits the power of the courts in certain criminal matters, something that we in New Hampshire have accomplished through statute, without tampering with our constitution. We should not be tampering with our constitution because some of us don’t like a particular decision made by a particular court, confronting a particular set of circumstances.

No state, nor the United States, has put into its constitution a standard, named but not defined, of judicial scrutiny. No state, nor the United States, has effectively removed the power of the judiciary to review acts of the legislature which directly effect the lives – and the fortunes – of every citizen. New Hampshire should not be the first.

### **Amendment (1909h)**

Amend the title of the resolution by replacing it with the following:

RELATING TO: the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education.

PROVIDING THAT: judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2001 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made

in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2001 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

### AMENDED ANALYSIS

This constitutional amendment concurrent resolution limits the judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education to whether or not they have a rational basis.

### LAID ON THE TABLE

Rep. Whalley moved that **CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education, be laid on the table. Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The health benefits and risks of fluoridation of water have come under question. Some research has shown that the addition of chemicals, for example hydrofluosilicic acid or sodium silicofluoride, to the public drinking water have toxic effects which were not observed with sodium fluoride. Since topical application of sodium fluoride to the teeth seems to be effective in preventing tooth decay, the committee recommends a re-evaluation of the health benefits and risks of adding these fluorides to the public water supply. There were enough questions about the fluoridation process to warrant further study. Vote 13-0. Adopted and ordered to third reading.

**HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The fact that congenital heart defects are the number one killer of children, the committee majority was convinced that by naming that special day – Congenital Heart Defect Day on February 14 this would bring new attention to this disorder. It would also show support to the affected children and their parents by making this awareness. It is also the hope of the majority that by proclaiming this awareness day that indeed more medical attention would be given to this subject matter. The Governor, by proclaiming this special day every year would tend to focus on this problem. Vote 7-6. Adopted and ordered to third reading.

**HB 1149**, establishing a committee to study the efficiency of the long-term care facility survey process. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee did recognize that there is merit in reviewing the long term care facility survey process. However, it was felt that the existing Oversight Committee or the Department of Health and Human Services (DHHS) would be more appropriate to review the survey process. This would eliminate the involvement of DHHS staff in a study that can be reviewed by the existing Oversight Committee. The consensus of the committee was that indeed the intention of this bill was on the mark and was recognized as such, but that there are existing avenues of study and a vehicle to make corrective recommendations. Vote 11-3. Adopted.

**HB 1269-FN**, requiring the department of health and human services to compile and maintain abortion statistics. **INEXPEDIENT TO LEGISLATE**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The sponsor requested that the committee recommend this bill inexpedient because there is another pending bill which addresses this issue in a more comprehensive manner. Vote 12-0. Adopted.



**HB 1372-FN**, relative to certain residential care facilities. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: HB 1372-FN, as amended, authorizes the Commissioner of Health and Human Services to establish rules that would allow certification of facilities that provide services to one individual beyond room and board care, in a residential setting as an alternative to nursing home care. It is currently two or more. The intent is to be able to offer to Medicaid eligible individuals an option consistent with the SB 409 legislation of several years ago. The amendment eliminates a clause that was inconsistent with federal regulations. Because Medicaid eligibility triggers this program and is already financially accounted for there is not judged to be any financial impact. Vote 12-0.

#### **Amendment (2126h)**

Amend the bill by replacing section 1 with the following:

I New Paragraph; Rulemaking; Certification of Certain Facilities. Amend RSA 151:9 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of the department of health and human services shall establish a program, by rule, to certify facilities that provide services to one individual, beyond room and board care, in a residential setting, as an alternative to nursing facility care, which offers residents a home-like living arrangement, social, health, or medical services, including, but not limited to, medical or nursing supervision, medical care or treatment by appropriately trained or licensed individuals, assistance in daily living, or protective care.

#### **AMENDED ANALYSIS**

This bill requires the commissioner of the department of health and human services to establish a certification program by rule to certify facilities offering services beyond room and board to one individual in a residential setting.

Adopted.

Report adopted.

Referred to Executive Departments and Administration.

**HB 1130**, increasing the rate of workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt an increase was premature. In addition, a 28-a issue arose regarding the expansion of programs. Vote 9-7.

Adopted.

**HB 1335**, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald A. Giordano for Labor, Industrial and Rehabilitative Services: This bill excludes the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. The department is opposed to this legislation and the committee opposed expanding the expansion of the commission definition. Vote 10-6.

Adopted.

**HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: At the present time, if a property has an easement, the municipality usually assesses the property with the easement at a lower rate than full market value. The committee felt that if the bill were passed as written, there would be many unintended consequences because most of the focus on property easements seemed to center around the property's development value. However, a shoreline easement would dramatically affect shoreline use and would increase taxes on other land such as timberland. This would constitute a cost shift to other properties within the municipality. Testimony throughout the hearing indicated that this bill would interrupt a system that has been working well. Furthermore, as introduced the bill did not include any buffer zones that the sponsor felt should have been included. Vote 13-0.

#### **MOTION TO SPECIAL ORDER**

Rep. Patten moved that **HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, be made a Special Order for Thursday, January 31, 2002 in the Regular Calendar order.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1315**, relative to requiring revaluation of property. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert W. Brundige for Municipal and County Government: This bill requires the Attorney General to request a writ of mandamus against the Commissioner of Revenue Administration (DRA) at any time there is property in the state that has not been revalued within the preceding five years. This bill is premature because the House passed SB193 in 2001 to set up assessing standards that will be followed by assessors, selectmen and boards of assessors. Until those standards are established, the procedures are in limbo and no definitive action can be compelled by the Attorney General. Vote 15-0.  
Rep. DiFruscia spoke against and yielded to questions.  
Rep. Brundige spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Weyler moved that **HB 1315**, relative to requiring revaluation of property, be laid on the table. The motion failed.  
The question now being adoption of the report.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: This general idea has been before the House Transportation Committee a number of times over the past several years. Although committee members understand the sponsors' intent the committee heard no new information that would warrant increasing the current speed limits. As the population has increased so has the traffic on New Hampshire highways. The vast majority of New Hampshire's interstate and turnpike system is two lanes in one direction. Additionally, New Hampshire highways experience sudden and dramatic weather changes during winter months. New Hampshire is a tourist state and there are many tour buses and out-of-state travelers who may not have extreme weather driving skills. Higher speeds in these conditions would put the driving public at risk. The committee felt the current interstate and turnpike speed limits are proper, reasonable and overall in the best interest of public safety. Vote 16-1.  
Rep. Vaillancourt spoke against.  
Rep. Vaillancourt requested a roll call; sufficiently seconded.  
The question being adoption of the report.

**YEAS 240 NAYS 105**

**YEAS 240**

**BELKNAP**

Bartlett, Gordon	Flanders, Donald	Holbrook, Robert	Johnson, William
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Fairbanks, Chandler	Hunt, John	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Roberts, William
Royce, H Charles	Slack, Pamela Russell	Smith, Edwin	Weed, Charles

**COOS**

Gallus, John	Horton, Lynn	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clayton, William	Cote, David	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Gleneck, David	Goley, Jeffrey	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Holden, Randolph	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martin, Mary Ellen
McHugh, Claire	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Sullivan, Peter
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Wheeler, Robert
White, Donald	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hutchinson, John	Jacobson, Alf	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Swindlehurst, John	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Holland, James Jr	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McKinney, Betsy	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Rausch, James	Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David		

**STRAFFORD**

Berube, Roger	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Johnson, Nancy	Knowles, William	Musler, George	Pelletier, Arthur
Reid, Christopher	Rollo, Michael	Snyder, Clair	Tsiros, William
Twombly, James	Wall, Janet	Woodill, Rodney	Woods, Phyllis

**SULLIVAN**

Allison, David  
Harris, Joseph  
Odell, Bob

Burling, Peter  
Harris, Sandra  
Robb, Amy

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Leone, Richard

**NAYS 105****BELKNAP**

Boyce, Laurie  
Rice, Thomas Jr

Czech, Stanley

Dewhirst, Glenn

Lawton, David

**CARROLL**

Babson, David Jr

Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Pratt, John

Emerson, Susan

Liebl, George

Manning, Joseph

**COOS**

Mears, Edgar

**GRAFTON**

Cobb, John  
Ham, Bonnie

Gabler, William  
Mirski, Paul

Gilman, G Michael  
Pawlek, Marion

Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Andosca, Mary  
Cardin, Lori  
Clemons, Jane  
Dwyer, Paul  
Graham, John  
Kacavas, John  
McDonough-Wallace, Alice  
Murphy, Robert  
Pepino, Leo  
Spiess, Paul

Bergeron, Jean-Guy  
Chabot, Robert  
Craig, James  
Elliott, Larry  
Hall, Betty  
LaFlamme, Paul  
McRae, Karen  
Palangas, Eric  
Seibel, Christopher  
Sweeney, Cynthia

Bouchard, David  
Christensen, D L Chris  
Desrosiers, William  
Golding, William  
Herman, Keith  
Leach, Edward  
Moran, Edward  
Panagopoulos, Nicholas  
Shaw, Barbara  
Vaillancourt, Steve

Buckley, Raymond  
Clegg, Robert Jr  
Dionne, Kimberley  
Gorman, Mary  
Jean, Loren  
Martel, Andre  
Movsesian, Lori  
Pappas, Marc  
Souza, Kathleen  
White, John

**MERRIMACK**

Brewster, Richard  
Reardon, Tara

Greco, Vincent  
Winter, Steven

Kennedy, Richard

L'Heureux, Stephen

**ROCKINGHAM**

Camm, Kevin  
DiFruscia, Anthony  
Introne, Robert  
McGuire, Robert  
Quandt, Marshall  
Weyler, Kenneth

Clark, Vivian  
Fesh, Bob  
Itse, Daniel  
Moore, Benjamin  
Quandt, Matthew  
Whittier, John

Corbin, Corey  
Hill, Jonathan  
Kelley, Jane  
Palermo, Diane  
Sapareto, Frank

Cox, Russell  
Hutchinson, Karen  
Kelley, William  
Pitts, Jacqueline  
Trueman, Raymond

**STRAFFORD**

Albert, Russell  
Callaghan, Frank  
Hughes, Christopher  
Smith, Marjorie

Bickford, David  
Ferland, Paul  
Kaen, Naida  
Spang, Judith

Brennan, William  
Harrington, Michael  
McCarthy, Gerald

Brown, Julie  
Heon, Richard  
Proulx, Raymond

**SULLIVAN**

Franklin, Peter  
and the report was adopted.

Phinzy, James

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit reporting after the January 24, 2002 deadline and to permit consideration and referral to a second committee after the January 31, 2002 deadline for the following House Bills:

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor.

**HB 1414-FN-A-L**, relative to the valuation method in the excavation activity tax.

**HB 1417-FN-A**, eliminating the payment of the business enterprise tax on interest paid by business enterprises.

**HB 1421-FN-A**, relative to criminal extradition expenses and making an appropriation therefor.

**HB 1422**, establishing certain positions in the insurance department.

**HB 1427-FN-A-L**, establishing a property tax relief program for low income homeowners.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 31, 2002 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1222**, exempting ice-out contests from the laws regulating games of chance.

**HB 1110**, relative to the sale of ferrets.

**HB 404**, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.

**HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents.

**HB 1142**, relative to the advisory council on unemployment compensation.

**HB 1384**, making certain technical changes to the workers' compensation law.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons.

**HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro.

**HB 1132**, relative to grip height on motorcycles.

**HB 1170**, extending the environmental audit program.

**HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire.

**HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day.

### UNANIMOUS CONSENT

Reps. Hager and Stone addressed the House.

### SPECIAL GUESTS

Benny and Elve Chen, Ivy Wong, Chip Gardner, John Gibson, Frances Sidley, Cecelia Deschambault, Kathy Bartholdi, AnaMaria Greenberg, special guests of Rep. Gary Greenberg.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 11:20 a.m.

### RECESS

(Rep. Foster in the Chair)

**RESOLUTION**

Rep. Nordgren offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1435 through 1439 and Constitutional Amendment Concurrent Resolutions numbered 35 and 36 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and CACRs****First, second reading and referral**

**HB 1435**, extending the reporting dates of certain study committees. (D. White, Hills 25; Kurk, Hills 5; Legislative Administration)

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13; Gordon, Dist 2; Criminal Justice and Public Safety)

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. (Marshall Quandt, Rock 20; Langley, Rock 24; Spiess, Hills 14; Marshall, Graf 2; Keye, Hills 30; D'Allesandro, Dist 20; Flanders, Dist 7; O'Neil, Dist 18; Commerce)

**HB 1438-FN-A**, relative to fees collected by the attorney general. (Spiess, Hills 14; Langley, Rock 24; Marshall Quandt, Rock 20; Marshall, Graf 2; Keye, Hills 30; D'Allesandro, Dist 20; O'Neil, Dist 18; Ways and Means)

**HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. (Wendelboe, Belk 2; Holbrook, Belk 7; J. Wood, Belk 7; D. Flanders; Belk 7; Dewhirst, Belk 7; Johnson, Dist 3; Gordon, Dist 2; Boyce, Dist 4; Public Works and Highways)

**CACR 35**, relating to property taxation for education funding. Providing that the state shall not impose a real property tax to fund public education that requires the taxpayers in any political subdivision to provide funds in excess of the amount required to support the cost of public education for pupils in such political subdivision, nor shall the state require any political subdivision to impose, collect, or remit such a tax. (Bowles, Rock 35; Chandler, Carr 1; Mock, Carr 3; Spiess, Hills 14; Splaine, Rock 34; Gordon, Dist 2; Johnson, Dist 3; Hollingworth, Dist 23; Cohen, Dist 24; Ways and Means)

**CACR 36**, relating to the funding of public education. Providing that the state shall fund an amount not less than 40 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. (Peterson, Hills 8; Spiess, Hills 14; Ways and Means)

**RECESS**

(Rep. Whalley in the Chair)

**RESOLUTION**

Rep. Robert Johnson offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1440 through 1446 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. (Zerba, Ches 17; Major, Rock 16; Leone, Sull 2; Dokmo, Hills 14; M. Fraser, Merr 21; Municipal and County Government)

**HB 1441**, relative to the availability of records of the joint committee on legislative facilities. (Herman, Hills 13; Welch, Rock 18: Legislative Administration)

**HB 1442**, relative to eligibility for special number plates for former prisoners of war. (Putnam, Rock 15; Mirski, Graf 12; N. Reardon, Rock 15; Nowe, Rock 3; Gilman, Graf 1; Barnes, Dist 17: Transportation)

**HB 1443**, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities. (Babson, Carr 5: Education)

**HB 1444**, prohibiting the commemoration of groups who take up arms against United States policies. (Albert, Straf 17; Marshall Quandt, Rock 20; Giuda, Graf 3; Twombly, Straf 16; Weyler, Rock 18; Heon, Straf 14; Boyce, Dist 4; Barnes, Dist 17; Prescott, Dist 19; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

**HB 1445**, establishing a committee to study growth ordinances for municipalities. (Coes, Rock 19; K. Gilbert, Rock 19: Municipal and County Government)

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools. (Sapareto, Rock 13; Jacobson, Merr 2; Rosen, Belk 7; Stone, Rock 7; Milligan, Hills 18; Gatsas, Dist 16; Johnson, Dist 3; D'Allesandro, Dist 20; Disnard, Dist 8; Barnes, Dist 17: Education)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 5

January 31, 2002

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever watchful creator, we humbly ask for Your blessing upon the work accomplished in the people's House today. In the midst of so many difficult problems, we do not wish to tie up the "prayer line" with petty requests for snow or for a Patriot's victory. Well, maybe for a Patriot's victory, for Patriot's fans have been through the wilderness of many losing seasons and we know that You care especially for those who are in danger of losing their faith. Because, in the end, football is only a game, but life is real, and this honorable House seeks in its efforts to lift the spirits of those citizens who have lost their faith in the blessings of democracy and representative government. This is the true work of patriots for which we all cheer. As always, we ask that Your protection be with those who serve our state and country by risking their lives to defend and preserve our precious freedom. Amen.

Rep. William Zolla led the Pledge of Allegiance.

The National Anthem was sung by Alysha Torressen, a fourth grade student from Moultonborough Central School and daughter of Rep. Gary Torressen.

### LEAVES OF ABSENCE

Reps. Arnold, DePecol, Dyer, Feuerstein, Flanagan, Lent, McDonough-Wallace, Palangas, Pilliod, Royce, Salatiello, Sargent, Tate, Trueman and Burton Williams, the day, illness.

Reps. David Bouchard, Daigle, Flora, Marilyn Fraser, Goley, LaRose, McGuirk, Mears, Marsha Pelletier, Tara Reardon, Rowe, Slack, and Solow, the day, important business.

Reps. Flint, O'Keefe and Scanlan, the day, illness in the family.

Rep. Souza, the day, death in the family.

### INTRODUCTION OF GUESTS

Melissa and Andrew Torressen, Joseph and Nancy Hart, Donalynn Curry and Donna Fodero, wife, son and guests of Rep. Torressen. Pamela and Benjamin Dexter, wife and son of Rep. Dexter. Trinity High School's girls varsity soccer team, 2001 Class L Champions, guests of Rep. Baroody. Cynthia Herman and Sandra Hill, wife and guest of Rep. Herman. Michael Leo, guest of Rep. Gorman. Former Rep. Anthony Stevens, Daniel Feireira, Bob Louzan, Marcy Henry, Mr. and Mrs. John Stevens, Carson Graves, Steve Serachick and Fall Mountain Regional High School student government members, Kevin Arkell, Lorie Desmarais, Sarah Edkins and Molly Withers, guests of Reps. Batchelder, Brenda Ferland, McGuirk, Odell, Phinizy and John Pratt.

### SPECIAL GUEST

Morgan Brown, a student from Fall Mountain Regional High School and the New Hampshire winner of the 2001 Wendy's High School Heisman Award as the state's top male student athlete joined the Speaker at the rostrum as a special guest of the House.

### RESOLUTION

Reps. Hess and Burling moved that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE RESOLUTION

#### First, second reading and referral

**HR 24**, affirming revenue estimates for fiscal years 2002 and 2003. (Alukonis, Hills 23: Ways and Means)



**ENROLLED BILL AMENDMENT**

**HB 393-FN**, relative to plant nurseries and nursery stock.

**Amendment (2325-EBA)**

Amend RSA 433:21, XXI as inserted by section 1 of the bill by replacing it with the following  
XXI. "Soil" means the medium designated for plant propagation.

Amend RSA 433:28, V as inserted by section 5 of the bill by replacing it with the following:

*V. Nursery stock infected with plant diseases or infested with plant pests shall not be offered for sale or given away.*

Amend RSA 433:35 as inserted by section 12 of the bill by replacing line 2 with the following:  
*license issued under the provisions of RSA [433:29] 433:29-a if dangerous insect or plant disease pests are*

Amend section 13 of the bill by replacing it with the following:

13 Effective Date. This act shall take effect upon its passage.  
Adopted.

**ENROLLED BILL AMENDMENT**

**SB 26**, relative to probate court procedures regarding adoptions. (Amendment printed SJ (2/14/02)  
Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 317-FN**, revising the New Hampshire Aeronautics Act.

**NONCONCURRENCE**

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

**HB 448**, relative to procedures for crews and provision of counseling services following a railway accident.

**HB 690**, relative to disclosure of nonpublic personal health information.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1139**, allowing the governor to enter into reciprocal international child support agreements, removed by Rep. Mirski.

**HB 1303-FN**, prohibiting the wearing of certain facial coverings, removed by Rep. Rollo.

**HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number, removed by Rep. McKinney.

**HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport, removed by Rep. Power.

**HCRR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest, removed by Rep. Harrington.

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program, removed by Rep. Alukonis.

Consent Calendar adopted.

**HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: This bill was re-committed to the committee. The bill requires that the Department of Health and Human Services (DHHS) demonstrates by clear and convincing evidence that adequate services cannot be provided in the home before the court orders an out-of-home placement as part of the final disposition in an abuse and neglect hearing. This provision "kicks in" after a petition has been filed, after an adjudicatory hearing, and after a finding of "True". The petition (case) has had its day(s) in court, both parties having attorneys, experts, (even hearsay testimony is permitted), etc. The timeline for this portion can be expanded

beyond the statutory timelines by the use of waivers. During this long protracted period, a child is in placement. Should there be a serious, dangerous and physical risk to the child, that information should be well documented by the dispositional hearing. The last step in the process is the dispositional hearing and it generally takes place within 30 days of the "finding of True". If there is physical or mental risk to the child, DHHS at this juncture should have acquired proof as to the "clear and convincing" aspect of the case. The need for the parents to take parenting classes, etc. should not justify out-of-home placement; however, alcohol and/or drug abuse, etc. certainly might justify out-of-home placement. Extended periods of out-of-home placement for a child is really punishing the child. For a child to go to school, etc., and not know if he will be returning to the same placement after school and to never feel secure because of frequent moves between foster homes is in itself damaging to the stability and self-esteem of the child. The child frequently feels he or she is at fault, that he or she did something wrong. The cure becomes more damaging than the initial event. All findings PRIOR to the dispositional hearing remain at the "preponderance of the evidence" level. Preponderance is the lowest level of proof in the judicial system. Vote 14-1.

#### **Amendment (2009h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1177**, enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Bouchard for Children and Family Law: This would create an enormous amount of new Children In Need of Services (CHINS) petitions if passed. Any person not of majority and found to have tobacco products on them would be referred to services. Currently, possession of tobacco products by a minor is a "violation." In the event that the violation summons is defaulted, then a CHINS petition is generated. A default would indicate that, more likely than not, the child is in need of services. Vote 16-1.

**HB 1266-FN**, relative to the appointment of a guardian of the estate of a minor. **INEXPEDIENT TO LEGISLATE**

Rep. Gary C. Greenberg for Children and Family Law: The language did not produce the desired intent by the sponsor and the committee was asked to vote Inexpedient to Legislate. Vote 19-0.

**HB 1287**, establishing a committee to study the need for additional training of attorneys representing clients in domestic relations matters. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The committee feels this bill can be better addressed by HB 447, a commission established to study family law practices in New Hampshire. Vote 15-2.

**HB 1347-FN**, authorizing the department of health and human services to intercept insurance payments if there is unpaid child support. **REFER FOR INTERIM STUDY**

Rep. L. Randy Lyman for Children and Family Law: The committee feels that further study is needed in order to examine policy issues regarding the Department of Health and Human Service's participation with the Rhode Island Child Support Lien Network (CSLN). The bill would authorize the department to intercept insurance settlement payments if there is unpaid child support via an automated data-match between the department and the CSLN. An interim study committee is necessary to review the bill for possible amendment to limit its application and to identify exemptions to preclude insurance settlement intercepts involving medical and casualty loss and workers' compensation. Vote 18-0.

**HB 1293**, relative to the specificity of criminal complaints and warrants. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1293 was introduced to address the problems encountered in obtaining copies of a complaint, warrant, and supporting affidavit from a police department. Testimony failed to indicate that this was a problem in New Hampshire. Witnesses testified that police and prosecutors routinely provide the requested information to defendants and that defendants always, unless the records are sealed by the court, have a constitutional right to these items making this bill unnecessary. Testimony further revealed that there would be an excessive increase in the workload and costs if this bill became law. The Director of the New

Hampshire Police Standards and Training Academy has indicated that he will address this issue in a publication that is sent to all police departments in New Hampshire. The supporters of HB 1293 felt that this was a good step to address any problem that might exist. The committee believes that this course of action is the appropriate way to remind the law enforcement communities of its duty and responsibilities. Vote 13-0.

**HB 1371-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The Committee was unanimously unwilling to embrace the concept that an adequate education ends at grade 8. Vote 14-0.

**CACR 32**, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: This constitutional amendment would increase the number of state senators from 24-30 and also stipulates that each county be allocated three state senators. The committee sympathizes with the sponsor's desire to see the interests of geographic areas of the state equally represented. However, it must be noted that this is a radical change, one which even if made part of the NH Constitution, would be in violation of "one man, one vote" provisions of the US Constitution, specifically, the 14th Amendment. For example, with a population of 336,073, Hillsborough County would have one senator for every 112,034 people while Coos County with a population of 34,828 would have one senator for every 11,610 people. That would mean that one person in Coos County would have 10 times the voting "power" of a person in Hillsborough County. This is hardly compatible with the "one man, one vote" concept. Vote 14-0.

**HB 519**, relative to the ballot law commission. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Election Law: The committee realized this bill inadvertently would allow the Ballot Law Commission to override legal decisions made by the Attorney General's Office. Vote 15-0.

**HB 1246**, relative to the chairperson of the board of recount in school district recounts. **OUGHT TO PASS**

Rep. Michael S. Rollo for Election Law: HB 1246 states that the moderator of the school district is to be the chairperson, if a recount is needed in a school district election. Vote 14-0.

**HB 1262-FN-A-L**, relative to implementing on-line exchange of voter registration information and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Bragdon for Election Law: This bill would establish a statewide-centralized voter registration system. The committee felt that this was premature and that the \$4M requested by the sponsor was far below the actual cost. Vote 14-0.

**HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Nelson S. Allan for Executive Departments and Administration: The sunset review process was an established activity in the state legislature during the period of 1978 to 1987. Now after the many years of growing state revenues and associated government growth, it may be time to reestablish a government size and efficiency control process. It will oversee the sunset process and conduct a review of legislative oversight procedures. The issue of integration of the performance audits of the LBA and other established review processes into an overall program merited additional review and study. Vote 15-0.

**HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: Rep. Dan Burnham for Health, Human Services & Elderly Affairs: This bill sets up a study committee to review the Department of Health and Human Services' new program for testing newborn infants for deafness. Today, the program has resulted in the testing of 60% of New Hampshire's infants. The study committee will consider actions to provide testing of every newborn child in the state. Vote 14-0.

**HB 1188**, prohibiting discrimination because of political belief. **INEXPEDIENT TO LEGISLATE**  
Rep. Larry G. Elliott for Judiciary: The House Judiciary Committee abhors discrimination of any sort. However, discrimination based on political belief does not rise to the same level as discrimination based on sex, religion, sexual orientation, or ethnicity. All of the protected forms of discrimination are forms which individuals have no choice in being classified, and to add political discrimination, which is clearly an individual's choice, weakens the spirit and the intent of the current discrimination laws. Only one individual appeared before the committee in favor of the bill. The person did not testify with any interest in the usual protections, but was exclusively interested in election law protections. Vote 11-0.

**HB 1198**, relative to the minimum hourly rate for certain employees. **REFER FOR INTERIM STUDY**

Rep. Robert E. Clegg Jr. for Labor, Industrial and Rehabilitative Services: The bill was unanimously approved by the committee for Interim Study. The issue of waitperson wages requires additional study to adequately understand any and all issues and/or ramifications to business and employees. Vote 16-0.

Rep. Holden declared a conflict of interest and did not participate.

**HB 1228**, relative to union dues. **REFER FOR INTERIM STUDY**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill concerns the subject of the use of union dues for political purposes without the consent of the union member. The committee felt this bill deserved a closer look over the summer. Vote 16-0.

**HB 1325**, prohibiting payroll deductions by public employers for political activities and prohibiting coercive actions against public employees to obtain political contributions. **INEXPEDIENT TO LEGISLATE**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill covers the same subject matter relative to the use of union dues for political purposes as another bill already recommended for further study. Vote 17-0.

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. **OUGHT TO PASS**

Rep. Keith R. Herman for Legislative Administration: In an effort to make state government more efficient and reduce paperwork the committee recommends passage of this bill. This bill repeals several statutory committees which have not met in several years and have no active purpose anymore. There was no opposition to the bill during the public hearing and there is no apparent reason to keep these committees going. There was one question about the environmental research advisory committee, but the committee has been unable to identify any current activity. Should someone come forward with evidence of continued need for any of these committees, the Senate can amend the bill as appropriate. Vote 12-0.

**HB 1145-FN-A**, requiring metal detectors in the state house and legislative office building and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon L. Nordgren for Legislative Administration: The committee believes that the material encompassed in this bill is being reviewed by a group that is studying the whole question of state-house security. The committee therefor accepted ITL and left the issue of installing metal detectors for later action. Vote 12-0.

**HB 1386-FN**, establishing a research and investigation unit for the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. George N. Katsakiores for Legislative Administration: Even though this legislation has merit and considerable importance in future research, the committee felt an investigation was premature and not the proper action at this time. Vote 12-0.

**HB 1155**, relative to the unauthorized use of firearms in towns and cities. **INEXPEDIENT TO LEGISLATE**

Rep. Dudley D. Dumaine for Municipal and County Government: RSA 644:13, I provides that if a person fires or discharges any cannon, gun, pistol, or other firearms, except by written permis-

sion of the Chief of Police or governing body, within the compact part of a town or city, the person is guilty of a violation. "A compact part of a town or city is defined under RSA 644:13,II:c as six or more buildings which are used as either part-time or permanent dwellings and the spaced between them where each such building is within 300 feet of at least one of the others". HB 1155 would allow any citizen to by-pass the Chief of Police or governing body's permission, by getting the permission to do so from his or her surrounding neighbors. The committee felt that HB 1155 was an issue of gun safety. Vote 11-1.

**HB 1226-L**, allowing discretionary easements to include barns used for farming. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Bellavance for Municipal and County Government: The sponsor of this bill had good intentions in wanting to help the farmers. The committee heard testimony in opposition to the bill that it may be laudable but there are no requirements for upkeep of the barn by the owner. There was also concern that this bill would be counter productive to other pending legislation. Vote 14-0.

**HB 1240**, establishing a property tax limitation and credit for elderly persons and increasing the amount of the homestead right for elderly persons. **INEXPEDIENT TO LEGISLATE**

Rep. Priscilla P. Lockwood for Municipal and County Government: New Hampshire has a comprehensive policy regarding elderly property tax exemptions stated in RSA 72:38-a. One of the parameters is being 65 years old. HB 1240 would use age 62 as a starting point for creating a tax limitation and credit. During the hearing, there was opposition to this process because it would be an administrative tracking problem. There is also a homestead right in RSA 480:1 that covers everyone, regardless of age. This bill would create many abatements that would be difficult to administer and did not cover any life estates or trusts. Vote 12-0.

**HB 1277**, increasing the optional veterans' property tax credit. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This enabling legislation would increase the amount of the optional veterans' property tax credit from \$100 up to \$500. This increase would be determined by the legislative body of the municipality. This bill received no opposition and all testifying felt that the increase was appropriate for the sacrifices that veterans have made for their country. Vote 12-0.

**HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: There is an urgent need in the state to continuously recruit volunteer firefighters and EMS personnel. RSA 100-B established the length of service awards program that allows municipalities by vote of the legislative body to set up a deferred pension plan for call firefighters and qualified volunteer emergency medical personnel. This bill provides the mechanism for contributions to the compensation plan and will provide the needed incentive to invigorate the recruiting program. Vote 15-0.

Referred to Executive Departments and Administration.

**HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission. **OUGHT TO PASS**

Rep. William G. Johnson for Municipal and County Government: This bill resolves a local matter for the Town of Sunapee. The voters of Sunapee elected SB-2 status under RSA 33:8. However, the Water and Sewer Commission was created by RSA 465:2 prior to the Town's SB-2 status. That statute retains a 2/3 voting majority for bond issuance versus the 3/5 majority allowed under SB-2 status. HB 1398 brings the voting majorities for all bond votes into conformity. Vote 16-0.

**HB 1401**, relative to the authority of highway agents. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: This bill would require the elected road agents to obtain consent of the selectmen in the performance of their duties. Authority is already granted under RSA 231:62 for this purpose. This bill also requests compensation for elected agents to be fixed in the budget of the town instead of by the town legislative body. The Municipal and County Committee was of the opinion the process should remain as is under the purview of the town legislative body requiring the cooperation of both the selectmen and the elected officials. Vote 16-0.

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack. **OUGHT TO PASS**

Rep. Marlene M. DeChane for Public Works and Highways: The committee supports the proposal to rename the Merrimack Patrol Shed to the Danny Carswell Memorial Patrol Shed. Danny Carswell was a state employee for the Department of Transportation as a highway maintainer. He was killed in the performance of his duties on 23 September 1997. A suitable marker may be erected at the patrol shed at no expense to the state in his memory. Vote 16-0.

**HB 1164**, renaming the Sugden House in Odiome State Park in the town of Rye as the Clark House. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edwin O. Smith for Public Works and Highways: The committee listened to all of the testimony and feels that the request from the Clarks goes beyond anything that the New Hampshire House can solve. The problem resulted from a taking by the United States Government at the beginning of World War II. The Clark Family has definite ties to the Sugden House, and the committee feels that information presented to the public during tours should include the Clark connection. The President of the Seacoast Science Center provided written testimony that she has been asking for information, such as pictures, from the Clarks to use during tours, and no information has been received. The committee strongly urges the Clarks to provide information that they would like used in any presentation to the Center at no cost to the Clarks. The committee felt that the Sugden name is and should continue to be as it is currently. The Sugdens and Clarks have strong ties, and both should be acknowledged. The amendment changes the name of the Hill Bridge in Lee, to the Reuben Hill Bridge. The Lee Board of Selectmen requested this name change. Vote 16-0.

**Amendment (2316h)**

Amend the title of the bill by replacing it with the following:

AN ACT renaming Hill's Bridge in the town of Lee as the Captain Reuben Hill Bridge.

Amend the bill by replacing all after the enacting clause with the following:

1 Hill's Bridge Renamed. Hill's Bridge on Lee Hook Road in the town of Lee shall be renamed the Captain Reuben Hill Bridge.

2 Historic Sign. Notwithstanding the provisions of RSA 236:40, limiting the number of historic markers that can be erected in one year, the commissioner of the department of transportation is hereby directed to erect a historic sign at the Captain Reuben Hill Bridge in the town of Lee. The sign shall honor Captain Reuben Hill, a Revolutionary War officer and prominent citizen of the town of Lee.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required pursuant to this act shall not be a charge to the state.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill renames Hill's Bridge in the town of Lee as the Captain Reuben Hill Bridge. It also directs the commissioner of the department of transportation to erect a historic marker at the site of the Captain Reuben Hill Bridge.

**HB 1216**, erecting a historic sign in Berlin honoring its original settlers. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: The sponsor has decided to use the state highway historical marker program for the erection of this sign. Therefore legislation is not needed. Vote 16-0.

**HB 1256**, relative to Clark Pond Road in the town of Haverhill. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: The amendment replaces the entire bill. The bill provides for reconstruction of Clark Pond Road in the town of Haverhill. The amendment provides for the project to be completed with state aid which requires the town to pay one third of the cost, and the state to pay two thirds of the cost. Vote 16-0.

**Amendment (2256h)**

Amend the bill by replacing section 1 with the following:

1 Clark Pond Road in the Town of Haverhill; Classification Changed to Class II. Clark Pond Road in the town of Haverhill, also known as Cross Road and Brier Hill Road, beginning at Route

10 and running to Route 116, a distance of 11,965 feet according to state highway inventory 51, shall be classified as a class II highway; provided, however, that said Clark Pond Road shall be reclassified as a class V highway 60 days after completion of the reconstruction to be performed by the department of transportation. This project shall be completed under state aid for class I, II, and III highways. Costs shall be allocated according to RSA 235:15.

#### AMENDED ANALYSIS

This bill reclassifies Clark Pond Road in the town of Haverhill as a class II highway, provided that the road shall be reclassified as a class V highway upon completion of reconstruction to be performed by the department of transportation. This project shall be completed under the state aid for class I, II and III highways program which requires the town to pay 1/3 of the cost and the state to pay 2/3 of the cost.

#### **HB 1334-FN, relative to a certain highway project in Brookfield, New Hampshire. INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: The Commissioner of the Department of Transportation testified that this project is an identifiable maintenance issue problem and can be done within the current budget using the Highway Betterment Funds. Vote 16-0.

#### **HB 1375-FN, relative to the sale of land by the department of transportation. INEXPEDIENT TO LEGISLATE**

Rep. Marlene M. DeChane for Public Works and Highways: The bill is not needed as current provisions are covered under eminent domain laws. Vote 16-0.

#### **HB 1113, relative to boating on Sandogardy Pond in the town of Northfield. INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: A similar petition to this bill to have petroleum powered boats banned on Sandogardy Pond was submitted to the Commissioner of the Department of Safety on August 3, 2001. A public hearing was held on August 17<sup>th</sup>, and after consideration, the petition was denied. In addition, testimony before the committee was presented by the majority of the residents of Sandogardy Pond who oppose the restriction of power boats. The town of Northfield also maintains a town beach there and is proposing construction of a boat ramp. Vote 13-1.

#### **HB 1120, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: HB 1120 will enable the town of Moultonborough to name an approximately 2000 square foot island, located entirely within the town's boundaries, "Henry's Island" or any other name deemed suitable by the town. The island's present owner plans to donate the property to the town so long as the town agrees to name the island in his name. Vote 13-1.

#### **HB 1160-FN-L, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville. INEXPEDIENT TO LEGISLATE**

Rep. Sid Lovett for Resources, Recreation and Development: HB 1160-FN-LOCAL would require the state to take over the maintenance, repair, liability and operating costs associated with the dam controlling Russell Reservoir in the town of Harrisville. At this time the committee unanimously found that such an acquisition was unnecessary in part due to the fact that there is little or no public access on Russell Reservoir. The committee also took note of a unanimous decision of the New Hampshire Dam Management Review Committee not to recommend such an acquisition for the state and further noted that the town of Harrisville had not fully explored creating a village district to manage the dam. Vote 14-0.

#### **HB 1312, establishing a committee to study the needs of the Native American population in New Hampshire. INEXPEDIENT TO LEGISLATE**

Rep. Lucille V. Power for State-Federal Relations and Veterans Affairs: At the request of the sponsor and after speaking with members of New Hampshire's Abenaki Indians it was decided to defer to the judgement of the Abenaki's and respect their request to withdraw HB 1312 at this time. Vote 18-0.

**HB 1406**, permitting the appointment of a temporary guardian for the children of activated members of the armed services and creating a committee to study the tuition waiver for National Guard members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This bill will permit the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian and creating a committee to study the New Hampshire National Guard Education Assistance Act. Vote 18-0.

### **Amendment (2276h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Guardianships of Minors and Estates of Minors; Nomination of a Guardian of the Person for the Children of Activated Members of the Armed Services. Amend RSA 463 by inserting after section 18 the following new section:

463:18-a Nomination of a Guardian for the Children of Activated Members of the Armed Services.

I. Any member of the United States armed services, whether a member of an active component, reserve component, or national guard unit of the army, air force, navy, marines, or coast guard, who is ordered to active duty outside of the state of New Hampshire with the armed forces of the United States or state militia of any state, and who pursuant to a court order has sole primary physical custody of a minor residing in New Hampshire or is the guardian of such minor, may nominate a guardian of the person of the minor with the same powers and duties of a guardian of the person under RSA 463:12.

II. The document nominating the guardian shall have the effect of an ex parte order appointing a temporary guardian under RSA 463:7, except that it shall expire 7 days after activation or when a guardianship has been granted by the court, whichever is sooner. Upon activation, the individual nominated guardian shall petition for appointment of a guardian of the person of the minor within 7 days in the county where the parent or legal guardian was residing upon activation. The petitioner shall append to the petition copies of the nomination document and the member's activation orders. The petition for appointment of a guardian shall be processed, heard, and adjudicated in the same manner as other guardianships filed under this chapter. All fees for the filing of the petition for the appointment of a guardian under this section shall be waived.

III. If the minor is the subject of a pre-activation custodial court order from this or any other state, any non-guardianship related custodial order entered after activation but before deactivation of the member shall be temporary and shall not prejudice the pre-activation custodial order.

IV. Nomination of a guardian of the person shall be made by using a properly executed nomination document to which a certified copy of the minor's birth certificate and an attested copy of the existing custody or guardianship order, if any, of the minor shall be attached. The document nominating the guardian shall contain the following:

- (a) Name and address of the armed forces member.
- (b) Name and address of the person nominated by the guardian.
- (c) Name and date of birth of the minor of the armed forces member.
- (d) The following language:

Know all persons that I \_\_\_\_\_, currently residing at \_\_\_\_\_, by this document do consent to the appointment of \_\_\_\_\_, whose address is \_\_\_\_\_, as the guardian of my minor child, thereby submitting to the jurisdiction of the court and waiving notice of the petition. This document shall grant the person nominated the same powers and duties of a guardian of the person under RSA 463:12 for 7 days from the date of my activation or until the probate court grants a guardianship, whichever is sooner. My activation orders must accompany this document for it to be valid.

Termination: The appointment by the probate court of the guardian of the person of my minor child shall remain in effect until the court has granted a motion to terminate the guardianship.

V. The parent or legal guardian's signature shall be witnessed by a third party and the signatures of the witness and parent or legal guardian shall be acknowledged by a notary public.



2 New Subparagraph; Guardianship and Estates of Minors; Ex Parte and Temporary Orders. Amend RSA 463:7, I by inserting after subparagraph (b) the following new subparagraph:

(c) Upon the entry of a petition seeking guardianship of the person accompanied by a nomination document and activation orders pursuant to RSA 463:18-a, the court shall issue temporary orders appointing the individual nominated guardian pending a hearing and ruling on the merits; but for cause, the court may appoint some other suitable individual temporary guardian.

3 New Section; Guardians and Conservators; Nomination of Guardian for Incapacitated Person for whom Activated Member of the Armed Services Is Guardian. Amend RSA 464-A by inserting after section 4 the following new section:

464-A:4-a Nomination of Guardian for Incapacitated Persons for Whom Activated Member of the Armed Services Is Guardian.

I. Any member of the United States armed services, whether a member of an active component, reserve component, or national guard unit of the army, air force, navy, marines, or coast guard who is ordered to active duty outside of the state of New Hampshire with the armed forces of the United States or state militia of any state and who is the guardian of an incapacitated person may nominate a successor guardian of the person with the same powers and duties of a guardian of the person under RSA 464-A:25.

II. The document nominating the guardian shall have the effect of an order appointing a temporary guardian under RSA 464-A:12, except that it shall expire 7 days after activation or when a guardianship has been granted by the court, whichever is sooner. Upon activation, the individual nominated guardian shall petition for appointment of a guardian of the person within 7 days in the county where the original guardianship was granted. The petitioner shall append to the petition copies of the nomination document and the member's activation orders. The petition for appointment of a guardian shall be processed, heard, and adjudicated in the same manner as other guardianships filed under this chapter. All fees for the filing of the petition for the appointment of a guardian under this section shall be waived.

III. Nomination of a guardian of the person by an activated member of the armed services shall be made by using a properly executed nomination document to which a certified copy of the existing guardianship order shall be attached. The document nominating the guardian shall contain the following:

- (a) Name and address of the armed forces member.
- (b) Name and address of the person nominated the guardian.
- (c) Name and address of the ward.
- (d) The following language:

Know all persons that I \_\_\_\_\_, currently residing at \_\_\_\_\_, by this document do consent to the appointment of \_\_\_\_\_, whose address is \_\_\_\_\_, as the successor guardian of \_\_\_\_\_, thereby waiving notice of the petition. This document shall grant the person nominated the same powers and duties of a guardian of the person under RSA 464-A:25 for 7 days from the date of my activation or until the probate court grants a guardianship, whichever is sooner. My activation orders must accompany this document for it to be valid. Termination: The appointment by the probate court of the guardian of the person shall remain in effect until the court has granted a motion to terminate the guardianship or a successor guardian.

IV. The legal guardian's signature shall be witnessed by a third party and the signatures of the witness and legal guardian shall be acknowledged by a notary public.

4 New Hampshire National Guard Education Assistance Act Study Committee.

I. Committee Established. There is established a committee to study the New Hampshire national guard education assistance act.

II. Membership and Compensation.

- (a) The members of the committee shall be as follows:
  - (1) Three members of the house of representatives, appointed by the speaker of the house.
  - (2) Three members of the senate, appointed by the president of the senate.
  - (3) The New Hampshire army national guard education services officer, or designee, appointed by the adjutant general for the New Hampshire national guard.
  - (4) The New Hampshire air national guard education services officer, or designee, appointed by the adjutant general for the New Hampshire national guard.
  - (5) One member to represent the New Hampshire university system, appointed by that organization.

(6) One member to represent the New Hampshire technology community college, appointed by that organization.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the administration of the New Hampshire national guard education assistance act. The study shall include:

(a) A comparison of the state and federal laws regarding national guard education benefits.

(b) An assessment of how the tuition waiver process may be improved.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill permits the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian.

The bill also creates a committee to study the New Hampshire national guard education assistance act.

**HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee urges the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule, which requires telemarketers to maintain do-not-call lists. It also urges Congress to adopt the Know Your Caller Act of 2001, which provides additional consumer protections relative to telephone solicitation. Vote 16-2.

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This resolution sends a strong message to our Congressional Delegation that New Hampshire strongly supports multiple use management at all National Forests and especially the White Mountain National Forest here in New Hampshire. This will include sustainable forest and wildlife habitat management, traditional recreational uses that generate local revenue and controlled harvesting of forests and wood products. Vote 13-1.

**HCR 24**, urging the federal government to declare a moratorium on major airline industry mergers. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: Because of the September 11, 2001 tragedy, the committee felt this bill was not appropriate at this time. Vote 17-1.

**HCR 25**, encouraging an increased distribution of federal money from the military budget to the states. **INEXPEDIENT TO LEGISLATE**

Rep. Anne K. Priestley for State-Federal Relations and Veterans Affairs: The sponsor requested that the bill be withdrawn. Even though this is an important issue, it is not appropriate at this time. Vote 14-1.

**HB 1348**, clarifying the law regarding title-exempted vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Artz for Transportation: There has been much confusion among town and city clerks, as well as among vehicle owners, regarding the procedures adopted during the 2000 session regarding the registration of certain title exempted older vehicles. This bill clarifies that the town or city clerk issuing the permit may copy the bill of sale and NH certificate of registration or certificate of title but shall return the original documents to the person. This bill clarifies those changes. Vote 16-0.

**Amendment (2122h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicles; Registration of Certain Title Exempted Vehicles. Amend RSA 261:2-a to read as follows:

261:2-a Registration of Certain Title Exempted Vehicles. Notwithstanding the provisions of RSA 261:2 and RSA 261:148, no person shall register a motor vehicle exempted under RSA 261:3, I(k) in this state without first providing a previously issued, *current or expired* New Hampshire certificate of registration, a valid *New Hampshire or* out-of-state certificate of title, or a current New Hampshire vehicle identification number verification form as prescribed by the director. For the purposes of this section, a temporary registration issued pursuant to RSA 261:57 does not meet the requirement of a previously issued New Hampshire certificate of registration. *The town or city clerk that issues the permit may copy the bill of sale and the New Hampshire certificate of registration or the certificate of title for their records, but shall return the original bill of sale and the New Hampshire certificate of registration or the certificate of title to the person registering the vehicle upon issuing the permit.* Any person who violates the provisions of this section shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 212-FN, expanding income eligibility limits for education property tax hardship relief. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: The amended bill will provide an alternative method of calculating state education property tax hardship relief. The low to moderate income property tax hardship relief program in effect through property tax year beginning April 2001 is unable to self adjust for municipalities that have revalued or updated their values since April of 1999. The temporary and extraordinary nature of the hardship relief program precluded the design and implementation of a cost-effective system to deliver this relief to municipalities who have updated their values since April of 1999. This bill is designed to provide comparable relief, as provided to those who qualify under RSA 198:50, to those needy taxpayers denied relief because the municipal government has revalued the property, something both the court and this legislature has encouraged. Vote 12-0.

**Amendment (2280h)**

Amend the title of the bill by replacing it with the following:

AN ACT providing an alternative method of calculating state education property tax hardship relief. Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The purpose of this act is to provide an alternative method for the calculation of state education property tax hardship relief grants for eligible claimants in municipalities for which 1998 is no longer an accurate benchmark year for determining increases in state education property taxes in certain towns because of property revaluations. This act is intended to be effective only for the property tax year beginning April 1, 2001.

2 Alternative Calculation for State Education Property Tax Hardship Relief.

I. For the property tax year beginning April 1, 2001, the following calculation shall be used instead of the calculation provided in RSA 198:50-55 except where this calculation results in a reduced amount of tax relief. Alternative hardship relief amounts shall be determined for those municipalities that pay excess state education property taxes to the state and which have undergone a recent revaluation which renders the local assessed valuations from the 1998 property tax bills inaccurate as a benchmark for determining state education property tax relief.

II. In this act:

- (a) "Homestead" means homestead as defined in RSA 198:50, II.
- (b) "Household income" means household income as defined in RSA 198:50, III
- (c) "New Hampshire household" means New Hampshire household as defined RSA 198:50, IV.

III. Pursuant to this act, eligible claimants shall be granted education property tax hardship relief for the property tax year beginning April 1, 2001.

IV. An eligible hardship relief claimant is a person who:

- (a) Owns a homestead or interest in a homestead subject to the education property tax;
- (b) Resided in such homestead for a period of one year as of November 3, 1999, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

(c) Realizes in the property tax year beginning April 1, 2001 a net increase in property taxes, exclusive of municipal and county taxes, arising from the payment of excess education property tax to the state; and

(d) Realizes total household income of \$25,000 or less if a single person and \$50,000 or less if a married person or head of a New Hampshire household.

V. A portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of municipal and county taxes, shall be rebated as follows:

(a) Using the excess education property tax as the numerator and the state education warrant as the denominator to determine a state education property tax ratio;

(b) Multiply the education property tax ratio, determined under subparagraph (a), by the state education property tax rate as shown on the local tax bill. This shall represent the local rate increase;

(c) The total amount of tax relief allowable shall not exceed the amount the claimant would receive with respect to a homestead with a local maximum homestead value of \$200,000 in that municipality for tax year 2001. This amount shall be determined by creating a local value fraction with \$6.60 as the denominator and the state education property tax rate as it appears on the local tax bill in the municipality as the numerator. The local maximum homestead value is the local value fraction times \$200,000 rounded to the next highest \$1,000;

(d) Multiply the value of the property as shown on the April 2001 tax bill or the amount determined in subparagraph (c), whichever is less, by the net rate increase computed in subparagraph (b) to determine the base amount of the hardship relief; and

(e) Multiply the base amount of hardship relief determined in subparagraph (d) by the percentages provided in RSA 198:51, IV(c).

VI. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, hardship relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VII. Claims filed with the department of revenue administration shall be filed between May 15, 2002 and June 30, 2002.

VIII. Each claim shall be accompanied by a copy of the claimant's 2000 federal income tax return. Claimants who were not required to file a federal tax return for the 2000 tax year may submit an affidavit to such effect in lieu of a tax return, which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the 2000 tax year, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

IX. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this act.

X. The department of revenue administration may adjust the hardship relief amount of any claimant who qualifies for relief under this act and has already filed under the provisions of RSA 198:50-55 for the property tax year beginning April 1, 2001, but only if such adjustment will increase the claimant's, otherwise correct, relief amount by \$5 or more.

XI. The provisions of RSA 198:53 and 198:54, relative to penalties for fraudulent filings and appeals to the board of tax and land appeals shall apply to claimants filing under this act.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill provides an alternative method of calculating state education property tax hardship relief for the property tax year beginning April 1, 2001.

Referred to Finance.

**HB 1239-FN-A**, relative to off-track wagering by certain establishments. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: The committee voted this bill Inexpedient To legislate because the subject matter of interest to the sponsor is covered by another bill (video lottery at the race tracks). Vote 16-1.

**HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax. OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Last year in HB 170 we repealed the legacies and succession tax, to take effect on 1/1/03. The legacies and succession statute, RSA 86, contains many provisions necessary to RSA 87, which allows us to collect the state portion of the federal estate tax. This bill, effective 1/1/03, moves those provisions to RSA 87 and repeals RSA 86. It also repeals RSA 89, an unwieldy tax on the in-state possessions of those out-of-state decedents whose lawyers volunteer to pay it, which grosses up to \$10,000 per year. The amendment was requested by the Probate Court to fix references the legislature changed in 2001; it removes all other references to RSA 86 throughout the statutes. The Department of Revenue Administration stated that there is no fiscal impact. Vote 15-0.

**Amendment (2130h)**

Amend RSA 87:17 as inserted by section 1 of the bill by replacing it with the following:

87:17 Prerequisite to Administration. Letters of administration shall not be issued to any executor or administrator until he or she has given bond to the judge of probate with sufficient sureties containing, in addition to the other conditions required by law, a condition in terms that he or she shall "pay all taxes for which he or she may be or become liable under the provisions of this chapter, and comply with all the provisions of this chapter."

Amend RSA 87:25 as inserted by section 1 of the bill by replacing it with the following:

87:25 Conditions of Allowance of Account or Motion for Summary Administration. No final account or motion for summary administration of an executor, administrator, or trustee shall be allowed by the probate court until the certificate of the department of revenue administration has been filed in said court, stating that all tax returns required by the provisions of this chapter have been filed and that the amounts of taxes have been paid, and that provision has been made for any taxes which may become due on said property or interest secured by deposit, or by lien on real estate.

Amend the bill by replacing all after section 1 with the following:

2 References to Repealed Taxes Deleted. Amend RSA 21-J:14, X to read as follows:

X. Disclosure of returns and return information filed under RSA [86:] 87 [~~and 89~~] may be made to the register of probate and the probate court having jurisdiction over the estate of the decedent, but only for the purpose of and to the extent necessary for the administration of such tax laws.

3 Reference to Repealed Tax Deleted; Estate Tax. Amend RSA 87:1, I to read as follows:

I. [~~In addition to the taxes imposed by RSA 86~~] An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving an estate which is subject to an estate tax under the provisions of the United States Internal Revenue Code of 1986, as amended, and who has property within this state.

4 Reference to Repealed Tax Deleted; Banks; Distribution of Joint Accounts. Amend RSA 384:32 to read as follows:

384:32 Effect on Other Legislation. This subdivision shall in no way affect the provisions of RSA 386:19 relative to savings banks and RSA 393:12 relative to building and loan associations [~~as well as RSA 86:8 and 9, relative to the inheritance tax~~].

5 Reference to Repealed Tax Deleted; Banks; Pledge of Savings Account in Joint Tenancy. Amend RSA 384:35 to read as follows:

384:35 Pledge of Savings Account in Joint Tenancy. The pledge of any savings account held in joint tenancy or of any joint savings account of the type described in RSA 384:28 and 386:19, when made in writing by any one of the co-depositors or co-owners having the authority to make withdrawals from such account, shall, unless the terms of the savings account provide specifically to the contrary, be a valid pledge and transfer of so much or all of such savings account as may be necessary to secure the collateral obligation for which it is pledged, but such pledge shall not operate to destroy the joint and survivorship character of that portion of such account which is not encumbered by the pledge or which may subsequently be redeemed therefrom. This section shall apply to savings accounts maintained in any institution described in RSA 384:1, or in any federally-chartered institution of like nature having a place of business in this state. [~~This section shall in no way affect the provisions of RSA 86:8 and 9, relative to the inheritance tax.~~]

6 Reference to Repealed Tax Deleted; Banks; Trust Deposits in Banks. Amend RSA 384-D:5 to read as follows:

384-D:5 Effect on Other Legislation. This chapter shall in no way affect or modify the provisions of RSA 386:19, RSA 393:12, *and* RSA 384:28-31~~;~~~~and RSA 86:8, 9].~~

7 Reference to Repealed Tax Deleted; Banks; Joint Renters of Safe Deposit Boxes. Amend RSA 385:6 to read as follows:

385:6 Joint Renters of Safe Deposit Boxes. When a safe deposit box is rented to 2 or more persons under a rental contract granting a separate right of access to either or any one of such persons or the survivor or survivors of them, the survivor or survivors of such joint renters shall have a right of access to such box for any purpose~~;~~~~subject only to the provisions of RSA 86:72];~~ and the lessor of the box shall be protected against all renters of the box, their heirs, assigns, executors and administrators, in recognizing such right.

8 Reference to Repealed Tax Deleted; Banks; Surviving Deputies with Authorized Access to Safe Deposit Boxes. Amend RSA 385:7 to read as follows:

385:7 Surviving Deputies with Authorized Access to Safe Deposit Boxes. When a safe deposit box is rented to a person, and such renter appoints a deputy on the records of the lessor by written power of attorney expressly providing that the deputy shall have a continued right of access to the box after the death of the renter, and the renter dies survived by such deputy, then, notwithstanding any rule of law to the effect that a power of attorney is terminated by the death of the principal, such surviving deputy shall have a right of access to such box for any purpose~~;~~~~subject only to the provisions of RSA 86:72];~~ and the lessor of the box shall be protected against the heirs, assigns, executors and administrators of such deceased renter in recognizing such right.

9 Reference to Repealed Tax Deleted; Banks; Joint Deposits. Amend RSA 386:19 to read as follows:

386:19 Joint Deposits. When a deposit has been made in any savings bank in the names of 2 persons, payable to either, or payable to either or the survivor, such deposit or any part thereof, or any interest or dividend thereon, may be paid to either of said persons, whether the other be living or not; and the receipt or acquittance of the person so paid shall discharge the bank for any payment so made~~;~~~~provided, that if one of the parties has deceased, and the bank has knowledge of the fact, payment shall not be made to the survivor until the department of revenue administration has certified that no taxes are due the state under the provisions of RSA 86, on account of the interest of said decedent in said deposit, or that all taxes due have been paid; except as otherwise provided in RSA 86].~~

10 Reference to Repealed Tax Deleted; Building and Loan Associations; Joint Accounts. Amend RSA 393:12 to read as follows:

393:12 Joint Accounts. When an account in any building and loan association has been opened in the names of 2 persons payable to either or payable to the survivor, such account together with dividends thereon may be withdrawn by either of said persons whether the other be living or not, and the payment by said bank to either of said persons of the whole or any part of said account upon the demand or request of either of said persons shall discharge the bank for any payment so made~~;~~~~provided that if one of the parties has deceased and the bank has knowledge of the fact, payment shall not be made to the survivor until the state treasurer has certified that no taxes are due the state under the provisions of RSA 86, on account of the interest of the deceased in said account, or that all taxes have been paid].~~

11 References to Repealed Taxes Deleted; Probate Courts; Administrations, Bond. Amend RSA 553:13, I(d) to read as follows:

(d) To pay all taxes for which he *or she* may be or become liable under ~~[RSA 86,]~~ RSA 87~~;~~~~and RSA 89].~~

12 Technical Corrections; Probate Courts; Administration of Small Estates. Amend RSA 553:31, I to read as follows:

I. If the estate of a person, whether testate or intestate, consists entirely of personal property of a gross value not exceeding \$10,000, and the will has been allowed, or if no will, after the expiration of 30 days from date of death, and no petition under RSA 552:7 or 552:8 or any other sections of RSA 553 has been filed, the right to administer shall be in the executor named in the will, if any, and otherwise as set forth in RSA 553:2, upon filing with the probate court in the county in which the deceased was domiciled at the time of death, a petition stating that the petitioner has undertaken to act as executor or voluntary administrator of such estate and will administer the same according to law. Such executor or voluntary administrator shall, at the time of filing such petition, also file:

- (a) A personal bond without sureties;
- (b) ~~[A list of heirs or list of legatees or devisees as required under RSA 86:18;~~
- (c) ~~A report of gifts and transfers in accordance with RSA 86:22 with the register of probate and with the department of revenue administration;~~
- (~~d~~) An appointment of some person residing in this state as an agent pursuant to RSA 553:25 for every nonresident executor or voluntary administrator;
- (~~e~~) (c) A list of assets owned by the deceased and to be administered, sufficiently described to afford reasonable identification, along with a list of the value of each. The list of assets shall be incorporated into the petition. The form of the petition, and the rules governing proceedings under this section, shall be prescribed in the manner referenced by RSA 547:33; and
- (~~f~~) (d) A certification that a copy of the petition has been forwarded to all persons beneficially interested, as defined in RSA 550:12.

13 Technical Corrections; Probate Courts; Summary Administration. Amend RSA 553:33, III(a)(3) to read as follows:

(3) No New Hampshire estate ~~[or inheritance]~~ taxes are due[-]; or all applicable New Hampshire estate ~~[and inheritance]~~ taxes have been paid, and a certificate from the department of revenue administration under RSA ~~[86:32]~~ 87:26 has been filed with the court.

14 Repeals. The following are repealed:

I. RSA 87:12, relative to provisions applicable of RSA 86.

II. RSA 86, relative to the legacies and successions tax.

III. RSA 89, relative to the transfer tax upon the personal property of nonresident decedents.

15 Effective Date. This act shall take effect January 1, 2003.

## **HB 1322**, requiring a super majority vote for adoption of certain tax legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: The requirement to raise taxes by super majority in statute is a laudable end. However, that end can only be properly pursued through a constitutional amendment. Any legislature cannot bind a subsequent legislature. Please refer back to the passage of the BET tax, which carried with it a super majority to increase the tax. However, the very next legislature passed an increase in that tax without even acknowledging the fact that the original legislation had an expressly stated super majority to raise the percent of the tax by changing the super majority requirement. The committee hopes that the spirit of this bill - fiscal responsibility and accountability - will be a guide to every member of this legislature and subsequent legislatures as well. Vote 16-0.

## **HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Ways and Means: The committee believes that this proposal for a state-owned and managed casino would need substantial additional review and modifications prior to being made law. Like the other gambling proposals brought before the committee, the concept of this bill should be seriously considered by a study committee which the committee will propose via House Bill 1282. Vote 16-0.

## **MOTION TO SPECIAL ORDER**

Reps. Hess and Burling moved that the following bills be made a Special Order for the end of today's Regular Calendar. **HB 1173**, relative to the identification and notification of putative fathers, **HB 1129**, relative to discriminatory practices by owners of public accommodations, **HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, **HB 1370**, relative to establishing a 6-year capital budget and **HR 21**, urging the development and implementation of a national missile defense system.

Reps. Herman and Burling spoke in favor.

Adopted.

## **REGULAR CALENDAR**

## **HB 1232-FN-L**, relative to the confidentiality of library user records. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Stuart Gile for Children and Family Law: This bill makes all records related to a minor's use of library materials and services available to the minor's parent or guardian. The committee

agreed that libraries are great sources of information but creating policies allowing parent access to their children's choices of material and services is not the business of government. Further, the committee is aware that local libraries have boards of trustees who determine policy and neither they nor the librarians should be put in positions of policy practices that affect parent/child communication. Vote 15-4.

Adopted.

**HB 1230-FN**, establishing the office of the special education advocate. **OUGHT TO PASS WITH AMENDMENT**

Rep. Debra A. Naro for Education: The committee heard compelling testimony to authorize the Commissioner of the Department of Education to expend federal discretionary special education funds to contract with private, non-profit agencies for the provision of special education advocacy services for parents. The majority of the committee agreed that parents play a key advocacy role and may require assistance in securing an appropriate education for their children. Existing advocacy services are not sufficient to meet the need for advice, information and where needed, representation. Contracting with pre-existing, nonprofit advocacy agencies that can provide administrative and in-kind support is the most cost-effective way for the state to meet this need. Vote 9-5.

**Amendment (2231h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing the commissioner of the department of education to expend funds for special education advocacy.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Duties of Commissioner. Amend RSA 21-N:4 by inserting after paragraph X the following new paragraph:

XI. Contract with a nonprofit agency which provides special education advocacy services to parents and legal guardians of children with educational disabilities in New Hampshire with regard to any alleged violations of rights under the federal Individuals with Disabilities Education Act, RSA 186-C, and any other applicable federal and state education statutes. If such agencies are unable to enter into a contract, the contract shall be put out to competitive bid. The contract shall require the provision of advocacy services by qualified staff including the power and duty to petition for, initiate, appear, or intervene on behalf of, the parent or legal guardian of an educationally disabled child in any proceeding concerning special education decisions rendered by a local school board, the state board of education, or before any board, commission, agency, court, or regulatory body in which the interests of the parents or legal guardians of an educationally disabled child are involved. The contract shall provide for the advice and support of parents and legal guardians on such matters where appropriate.

2 Contract Funding. Any contract for special education advocacy services entered into pursuant to this act shall provide for the equivalent of 2 full-time special education advocates and shall cover incidental overhead and administrative costs not to exceed \$105,000 for the fiscal year ending June 30, 2003 and \$105,000 for the fiscal year ending June 30, 2004.

3 Department of Education; Special Education Funds. Any funding for special education advocacy services pursuant to this act shall be provided from special education funds appropriated to the department of education.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill authorizes the commissioner of the department of education to contract with a nonprofit agency for the provision of special education advocacy services to parents or legal guardians of children with educational disabilities.

Adopted.

Report adopted and referred to Finance.

**HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Environment and Agriculture: Committee was aware that this issue would be addressed in HB 675 as amended. Vote 17-0.

Adopted.



**HB 675, relative to mercury source reduction. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: After extensive consultation with businesses, and serious revision, the bill now addresses the major mercury problem, its improper disposal. It does not ban useful products that contain mercury, but does take great care that mercury does not go into incinerators, the water supply, and the food chain. An outright ban would accomplish the same thing, but be deleterious to the economy, and in fact to energy efficiency. Instead it brings together the manufacturers, distributors, waste facility operators, and users to cooperate in proper disposal. The committee feels that when all these interested parties are involved, it will not be burdensome on any of them. Much of the infrastructure is already in place. Information is cheap and highly cost-effective. DES is ready to do much of the contact work. Our neighboring states are already working on the problem along the same lines. This bill will go a long way toward alleviating the non-power-plan sources of this poison in the environment. Vote 14-3.

Rep. George J. Liebl for the Minority of Environment and Agriculture: In order for the intent of this bill to be realized, it needs to be implemented on a nationwide basis. The minority would support a resolution to our congressional delegation to this effect. The section of the bill requiring consumer notification of mercury content of products would put the state and its manufacturers at a competitive disadvantage. It would also violate the interstate commerce clause of the federal constitution that holds that states cannot encumber or unreasonably restrict or burden interstate commerce. Of particular concern is that the advance disposal fee of 8% on the wholesale market price of certain mercury-added products and the costs associated with the labeling or notification provision would give consumers a reason to go to neighboring states to purchase the same goods at cheaper prices. The minority believes the bill is bad public policy, would adversely impact the state and its businesses, and may be unconstitutional. A better approach is to work toward a national mercury reduction program and to have a strong public education, outreach, and assistance program, as provided for already in current law, on the proper handling and disposal of mercury-added products.

**Majority Amendment (2254h)**

Amend the bill by replacing section 2 with the following:

2 Notification. RSA 149-M:52 is repealed and reenacted to read as follows:

149-M:52 Notification.

I. No mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product or its industry trade group to the department in accordance with the requirements of this section. The individual component manufacturer shall remain responsible for providing the information in accordance with the requirements of this section. Importers of these products shall assure that the manufacturer has complied with this section before sale or use or distribution in the state. Such notification shall as a minimum include:

(a) A brief description of the product to be offered for sale, use, or distribution.

(b) For each individual product, or for each category of product, identification of its mercury content in one of the following ranges: greater than 0 to 5 mg, greater than 5 mg to 10 mg, greater than 10 mg to 50 mg, greater than 50 mg to 100 mg, greater than 100 mg to 1000 mg, or greater than 1000 mg.

(c) For each individual product or category of products, identification of the purpose that mercury serves in the product.

(d) The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer.

(e) The total amount of mercury contained in all their products containing mercury sold in the United States. This information may be provided either by individual manufacturers or aggregated for an industry by a trade group. This information shall be based on prior calendar year sales and shall be updated in 3-year intervals or sooner for categories of mercury-added products where there has been a significant change in the amount of mercury used by that product category.

II. The manufacturer shall update and revise the information in the notification when requested by the department.

III. Any information furnished pursuant to the requirements of this section, which, as certified by the manufacturer, relates to production or sales figures or to processes or production unique to the manufacturer or which would tend to affect adversely the competitive position of the manufac-

turer, shall be only for the confidential use of the department and the interstate clearing house in the administration of this section, unless the manufacturer shall expressly agree to its publication or availability to the general public. Nothing in this section shall be construed to prevent the use of such information by the department and the interstate clearinghouse in compiling or publishing analyses or summaries relating to the amount and effect of mercury in products and the environment; provided that the analyses or summaries do not identify any manufacturer or reveal any information otherwise confidential under this section.

IV. A fabricated mercury-added product manufacturer is not required to provide mercury content information on its mercury-added component, if the component manufacturer has provided the information to the department, and if the fabricated mercury-added product manufacturer notifies the department of the specific components used in the fabricated mercury-added product, and the identity of the manufacturer of the components.

V. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

Amend the bill by replacing all after section 3 with the following:

4 New Sections; Requirements Relative to Consumer Information, Notification, and Disposal of Mercury-Added Products; Advance Disposal Fee; Reduction, Education and Management Fund. Amend RSA 149-M by inserting after section 57 the following new sections:

149-M:58 Consumer Information About Mercury-Added Products.

I. Two years after the effective date of this section, any person offering a mercury-added product for final sale or use or promotional purposes to an address in New Hampshire shall advise clearly the purchaser or recipient at the point of sale, either in writing or by labeling, that the product contains mercury and that the product so identified should not be disposed of or placed in a waste stream destined for disposal at any waste combustor, in a waste treatment facility, or into any landfill until the mercury is removed and reused, recycled, or otherwise managed to ensure that the mercury in the product does not become mixed with other solid waste or wastewater.

II. Where a mercury-added product is a component of another product, the product containing the component shall be indicated in writing or by labeling that the product contains components fabricated with mercury. Those internal components shall also be identified clearly.

III. The manufacturer shall be responsible for identifying the product or products with a mercury component and shall advise the purchaser or recipient of the mercury content; the wholesaler or retailer shall not be responsible for such identification unless that wholesaler or retailer agrees with the manufacturer to accept responsibility. In the case of a multi-component product the manufacturer ultimately responsible for identifying mercury content is the last manufacturer to produce or assemble the final product. Importers of mercury-added products shall assure that the manufacturer has complied with this section before sale, use, or distribution in the state.

IV. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:59 Mercury-added Lamps; Large Use Applications.

I. A person who sells mercury-added lamps to the owner or manager of an industrial, commercial, institutional, or office building, or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser in writing on the invoice for the lamps or in a separate document that the lamps contain mercury, a hazardous substance that is regulated by federal and state law, and that they may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from the requirements of this paragraph.

II. A person who contracts with the owner or manager of an industrial, commercial, institutional, or office building, or with a person responsible for outdoor lighting, to remove from service mercury-added lamps; shall clearly inform, in writing, the person for whom the work is being done, that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps. Such arrangements shall be consistent with state and federal law pertaining to the handling and disposal of mercury as a hazardous substance. Residential users are exempt from the requirements of this section.

149-M:60 Disposal Ban.

I. Five years after the effective date of this section, no person shall knowingly dispose of mercury-added products in solid waste landfills or incinerators.

II. Owners and operators of solid waste landfills, transfer stations, and incinerators may develop programs to sort, collect, and recycle or dispose of mercury-added products in accordance with applicable laws and regulations.

III. Except as otherwise provided by this section, every person who discards solid waste within the state shall separate mercury-added products from that solid waste for recycling or disposal as a hazardous waste. Any contractor who replaces or removes mercury-added products shall assure the proper separation and recycling or the disposal as a hazardous waste of any discarded mercury-added product.

IV. After proper separation of mercury-added products, each person who discards that waste shall either:

(a) Set that waste in a designated area for collection by a hauler who shall deliver that waste to a facility that is legally authorized and permitted to accept that waste; or

(b) Deliver that waste to a facility that is legally authorized and permitted to accept that waste.

V. Owners and operators of solid waste transfer, incineration, and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

(a) Posting of signs at the facility providing notice of the prohibition against the disposal and incineration of mercury-added products.

(b) Written notification to, or agreements with, the facility's customers, providing notice of the prohibition against the disposal and incineration of mercury-added products.

(c) Implementation of a procedure, approved by the department, for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and for separating out observed mercury-added products for return to the generator, recycling, or disposal as a hazardous waste.

(d) Provide customers with information about collection programs or facilities that are permitted to accept mercury-added products for recycling or disposal as a hazardous waste.

VI. Solid waste management facilities or any business in New Hampshire that accepts appliances or motor vehicles shall be responsible for removing mercury-added components, except lamps used for backlighting or displays, prior to crushing, shredding, or other scrap metal processing. The collected mercury-added components shall be recycled or disposed of as hazardous waste.

VII. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:61 Universal Waste Rule. The department may adopt or modify its rules governing universal hazardous waste, to promote the recycling, recovery, and proper management of elemental mercury and mercury-added products on a statewide and regional basis.

149-M:62 State Procurement Preferences for Low or Non-Mercury-Added Products.

I. Notwithstanding other policies and guidelines for the procurement of equipment, supplies, and other products, the department of administrative services shall, within one year of the effective date of this section, revise its policies, rules, and procedures to implement the purposes of this subdivision.

II. The department of administrative services shall give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless there is no economically feasible non-mercury-added alternative that performs a similar function and is less harmful to the environment and public health. In circumstances where a non-mercury-added product is not available, preference shall be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

(a) The department of administrative services is authorized to give a price preference for products that contain no mercury or less mercury.

(b) This priority and preference shall apply to all state purchases, as well as any purchases made by others with state funds.

(c) With respect to lighting, energy efficient lamps for lighting purposes shall be purchased in preference to other less efficient lighting options. To the maximum extent possible, purchases shall be restricted to lights that contain the lowest total mercury content per lumen hour available. Spent bulbs shall be recycled.

(d) The procurement agent shall specify non-mercury or reduced mercury-added products, as applicable, in procurement bid documents.

(e) The department of administrative services shall investigate the potential cost savings from use of energy efficient lamps and shall implement a program of accelerated replacements in those applications where there is an estimated payback period of 3 years or less.

#### Advance Disposal Fee; Mercury Reduction and Management Fund

149-M:63 Advance Disposal Fee. An advance disposal fee shall be imposed on certain mercury-added products and shall be collected by the department from product wholesalers. For the purposes of this section, mercury-added products subject to an advanced disposal fee shall include, but not be limited to, fluorescent light bulbs, mercury-added thermostats, electrical tilt switches, mercury thermometers, or replaceable mercury added products which are a component of another product and which would otherwise have been discarded or placed into a waste stream destined for disposal at any waste combustor, in a waste treatment facility, or into any landfill. The amount of the fee shall be 8 percent of the wholesale market price of any finished product. The fee shall be assessed at the point of distribution. Products from manufacturers, as defined in RSA 149-M:51, I, that have approved mercury reclamation or "take back" programs for mercury-added products shall be exempt from this advance disposal fee. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to determining what is an approved reclamation, "take back," or collection program. As of January 1, 2004, the department shall begin collecting the advance disposal fee and crediting sums received to the mercury reduction, education, and management fund.

#### 149-M:64 Collection of Fees.

I. All advance disposal fees collected by the department shall be deposited into the mercury reduction, education, and management fund.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to procedures for fee collection.

III. The department may apply for, request, solicit, contract for, receive, and accept gifts, grants, donations, and other assistance from any source to carry out the purposes of this subdivision.

IV. If payment required by this subdivision is not filed, or is incorrect or insufficient, the commissioner shall make a finding as such, and determine the amount of the fee due from any information available, and enforce payment.

149-M:65 Mercury Reduction, Education, and Management Fund. There is hereby established the mercury reduction, education, and management fund, to be used for the purposes of awarding grants to municipalities as provided in RSA 149-M:66 and for administrative costs of implementing this subdivision to include hiring any necessary personnel. This non-lapsing, revolving special fund is hereby continually appropriated to be expended by the department in accordance with this subdivision. All moneys collected under this subdivision and not currently needed to meet the obligations of the department under this subdivision shall be deposited with the state treasurer who shall keep this money in a separate fund, designated the mercury reduction, education and management fund, notwithstanding RSA 6:12. The state treasurer shall invest the moneys deposited as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund.

149-M:66 Grant Program. The department shall be responsible for the disbursement of the mercury reduction, education and management fund through a grant program under rules adopted by the commissioner, pursuant to RSA 541-A. The department shall distribute funds under this grant program to municipalities of the state to reimburse them for eligible costs related to the establishment of local mercury presorting and recycling programs. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to requirements for reimbursement of those municipalities that voluntarily develop a mercury presorting and collection program and to establish eligibility requirements and priority among all municipalities eligible to receive grants including municipalities which may have established a mercury presorting program prior to the effective date of this subdivision. Available funds shall be distributed on an annual basis and shall be disbursed on a prorated basis depending on funds received by the department. As of January 1, 2005, the department shall begin making grants pursuant to this program.

149-M:67 Agency Reporting. The department shall submit an annual report by September 1 of each year to the senate environment committee and the house environment and agriculture committee, commencing September 1, 2004, relative to the activities of the advance disposal fee program and disbursements from the mercury reduction, education and management fund.

5 New Subparagraph; Application of Receipts; General Revenue Exceptions; Mercury Reduction, Education, and Management Fund. Amend RSA 6:12, I by inserting after subparagraph (iii) the following new subparagraph:

(jjjj) Moneys received under RSA 149-M:64, which shall be credited to the mercury reduction, education, and management fund established under RSA 149-M:65.

6 Public Education and Outreach. Amend RSA 149-M:55, I to read as follows:

I. The department shall implement a public education, outreach, and assistance program for households, hazardous waste generators, local and regional solid waste management agencies, dismantlers, institutions, and schools on the hazards of mercury, the requirements and obligations of individuals, manufacturers, and agencies under this subdivision, and voluntary efforts that individuals, institutions, and businesses can undertake to help further reduce mercury in the environment. The department shall cooperate with *and seek assistance from* manufacturers of mercury-added products and other affected businesses in the development and implementation of public education and technical assistance programs. *Any direct financial assistance received will be deposited in the mercury reduction, education, and management fund.*

7 Applicability. Section 5 of this act shall become effective upon the collection of the advance disposal fee pursuant to RSA 149-M:63 and the deposit of such sums into the mercury reduction, education, and management fund pursuant to RSA 149-M:65.

8 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes certain restrictions on the sale, labeling, and disposal of certain mercury-added products. This bill also establishes an advance disposal fee to be assessed at the point of distribution on mercury-added products. Fees shall be collected by the department of environmental services to be deposited in a special fund and used for grants for eligible local presorting and recycling programs and for educating the public on the hazards of mercury.

On a division vote, 187 members having voted in the affirmative and 143 in the negative, the majority amendment was adopted.

Reps. Gabler, Mirski and Leach spoke against.

Rep. Melcher spoke in favor.

Rep. Hunt spoke against and yielded to questions.

Reps. O'Connell and Donald White spoke in favor and yielded to questions.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

### YEAS 147 NAYS 207

#### YEAS 147

#### BELKNAP

Dewhirst, Glenn	Johnson, William	Wood, Jane
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#### CARROLL

Babson, David Jr	Philbrick, Donald
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#### CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Weed, Charles	Zerba, Roger	

#### COOS

Bradley, Paula	Landers, Dana	Pratt, Leighton	Rodrigue, Robert
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#### GRAFTON

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Teschner, Douglass	

#### HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane

Cote, David  
Foster, Linda  
Guinta, Frank  
Keye, Harvey  
Lynde, Harold  
Moesesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Craig, James  
Ginsburg, Ruth  
Haley, Robert  
Konys, Christine  
Martin, Mary Ellen  
O'Connell, Timothy  
Seibel, Christopher  
White, Donald

Dokmo, Cynthia  
Gorman, Mary  
Hall, Betty  
L'Heureux, Robert  
Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara  
White, John

Drabinowicz, A Theresa  
Greenberg, Gary  
Kacavas, John  
Lasky, Bette  
Messier, Irene  
Pepino, Leo  
Sullivan, Peter  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Owen, Derek  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
Hager, Elizabeth  
Perkins, Randy  
Seldin, Gloria

Clarke, Claire  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Wallner, Mary Jane

Crosby, Toni  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Coes, Betsy  
Langley, Jane  
Norelli, Terie  
Shultis, Elizabeth

Bowles, Raimond  
DiFruscia, Anthony  
Langone, John  
Pantelakos, Laura  
Splaine, James

Case, Margaret  
Downing, Michael  
McGuire, Robert  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Kane, Cecelia  
Micklon, Stephanie  
Ruffner, Walter  
Whittier, John

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Gilmore, Gary  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

### NAYS 207

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

### CARROLL

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Manning, Joseph

### COOS

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene

Alger, John  
Gabler, William  
Mirski, Paul

Barker, Robert  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Hall, Charles  
Jean, Claudette  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Herman, Keith  
Jean, Loren  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Thompson, Rob

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Christiansen, Lars  
Desrosiers, William  
Dwyer, Paul  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Holden, Randolph  
Johnson, Lionel  
Lefebvre, Roland  
McRae, Karen  
Murphy, Robert  
Salts, Greg  
Thulander, O Alan

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, David  
Eaton, Richard  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Hopper, Gary  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Spiess, Paul  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Colcord, J D  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Varrell, Thomas

Bishop, Franklin  
Chalbeck, Kevin  
Cox, Russell  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Welch, David

Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Tsiros, William

Berube, Roger  
Heon, Richard  
Twombly, James

Brown, Julie  
Lachance, Douglas  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

**SULLIVAN**

Odell, Bob  
and the majority report failed.

Rodeschin, Beverly

Rep. Herman moved Refer for Interim Study and spoke in favor.

On a division vote, 285 members having voted in the affirmative and 70 in the negative, the motion was adopted.

**HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill authorizes a weights and measures laboratory accreditation program, and a non-lapsing, continually appropriated fund for the program. The accreditation program will provide technical and calibration services to service agencies, industry, state agencies, or others based on national standards. Registration fees and fees collected from services rendered will be used exclusively for the laboratory accreditation program. Vote 15-0.

**Amendment (2220h)**

Amend RSA 438:10-a, II as inserted by section 5 of the bill by replacing it with the following:

II. There is established a non-lapsing fund, continually appropriated to the commissioner of agriculture, markets, and food, to be known as the weights and measures laboratory accreditation fund and to be used exclusively for the laboratory accreditation program. Fees collected under RSA 438:8, I(h)(2) for the registration of service agencies and fees collected under RSA 438:8, I(h)(1), for laboratory services provided to service agencies, industry, state agencies, and other individuals, shall be deposited in this fund. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund.

Adopted.

Report adopted.

Referred to Ways and Means.

**HB 1374-FN**, requiring the department of environmental services to bear certain clean-up costs. **REFER FOR INTERIM STUDY**

Rep. Betty B. Hall for Environment and Agriculture: This bill deals with costs of waste disposal. There is more at stake than just one community. The committee wishes to look at the broader picture. Vote 9-8.

Adopted.

**HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II member in the performance of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Lent for Executive Departments and Administration: This bill, as amended, increases the annuity paid to the spouse of firefighters accidentally killed while in the performance of duty. The annuity will be 100% rather than 50% of the firefighters annual rate of earnable compensation at the time of death. A separate bill is being introduced to research ways for a similar policy to be adopted by the police. Currently the police lack the necessary funds but do not wish to hold back the firefighters who do have sufficient funds in their special account. Vote 12-2.

**Amendment (2277h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty.

Amend the bill by replacing section 1 with the following:

1 Retirement System; Accidental Death; Group II Permanent Firemen Members; Annuity Paid to Spouse or Beneficiary Increased. Amend RSA 100-A:8, II(b) to read as follows:

(b) Upon the accidental death of a group II member the amount of the state annuity payable shall be equal to 50 percent of the member's annual rate of earnable compensation at the date of the member's death, *except that upon the accidental death of a group II member who is a permanent fireman, while in the performance of duty at some definite time and place, the amount of the state annuity payable shall be equal to 100 percent of the member's annual rate of earnable compensation at the date of the member's death.*

**AMENDED ANALYSIS**

This bill increases the annuity payable to a surviving spouse or other beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty.

Adopted.

Report adopted.

Referred to Finance.



**MOTION TO SPECIAL ORDER**

Rep. Batula moved that **HB 1209**, relative to a civil rights act for health care providers, be made a Special Order for the next session day in its regular place in the calendar.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 589**, relative to eligibility for unemployment benefits for part-time workers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**  
Rep. G. Michael Gilman for the Majority of Labor, Industrial and Rehabilitative Services: HB 589 was amended with the intent of removing Section 3 which provided for "good cause exemption" a major sticking point and reason for its re-committal. After discussion on a motion to remove Section 3, restoring HB589 to its original form as a part-time workers bill, the amendment was accepted unanimously. After the executive session, it was discovered the amendment voted on contained a drafting error that does not accomplish the intent of the committee. Therefore, the committee will introduce a floor amendment to correct the problem and fulfill the intent of the committee. Vote 12-6.  
Rep. Corey E. Corbin for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee felt the new amendment was identical to the amendment that caused us to recommit this bill in the first place. The bill still contains financial implications that have not, and cannot be determined. The Labor Department said this bill would be very difficult to administer as amended. The bill is still very ambiguous with regard to the financial impact on our businesses and therefore not prudent until a fiscal impact study has been done.

**Majority Amendment (2307h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him *or her* with respect to such week fail to equal his *or her* weekly benefit amount.

(b) *An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.*

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] *The individual* has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] *The individual* has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] *The individual* is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services ~~[he] the individual~~ offers and that ~~[he] the individual~~ has exposed himself *or herself* to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man] person~~ seeking work.

(d) [He] *The individual* is available for and seeking permanent, full-time work for which he *or she* is qualified.

(e) [He] *The individual* has disclosed whether or not he *or she* owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] *The individual* has participated in reemployment services when so directed by the commissioner unless he *or she* has completed such services or has good cause for failure to participate in such services.

3 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) [He] *The individual* has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept *any* suitable work when offered ~~[him]~~, or to return to ~~[his] the individual's~~ customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

- (A) The degree of risk involved to ~~his~~ *the individual's* health, safety and morals; and
- (B) ~~His~~ *The individual's* physical fitness; and
- (C) ~~His~~ *The individual's* prior training; and
- (D) ~~His~~ *The individual's* experience; and
- (E) ~~His~~ *The individual's* prospects for securing, in his labor market area, work in his

*or her* customary occupation; and

(F) The distance of the available work from ~~his~~ *the individual's* residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he *or she* acquired his *or her* currently available annual earnings; and

(G) ~~His~~ *Prior earnings, prior shifts and hours,* and length of unemployment, but ~~his~~ *prior earnings shall be given more weight than his length of unemployment, and length of unemployment shall be given more weight than prior shifts and hours.*

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If ~~he~~ *the individual* is unable to apply for or accept work during the hours of ~~the third~~ *a particular shift, [so-called,] because he or she is the only adult available for the care of his children a natural, adopted, stepchild, or foster child* under the age of ~~[+5]~~ *16* during said hours or for the care of an ill or infirm ~~elderly person who is dependent on him for support~~ *family member whom a licensed physician has certified is in need of care for the activities of daily living.*

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

4 Repeal. The following are repealed:

I. RSA 282-A:14, II(b), relative to partial unemployment as defined by hours worked.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect January 1, 2003.

#### AMENDED ANALYSIS

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits. The provisions of this bill will expire on June 30, 2006.

Majority amendment adopted.

Rep. Baroudy offered a floor amendment (2320h).

#### Floor Amendment (2320h)

Amend the bill by replacing all after the enacting clause with the following:

1 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him *or her* with respect to such week fail to equal his *or her* weekly benefit amount.

(b) *An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.*

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] *The individual* has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] *The individual* has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] *The individual* is ready, willing and able to accept and perform suitable work ~~on all the shifts and during all the hours~~ for which there is a market for the services [he] *the individual* offers and that [he] *the individual* has exposed himself *or herself* to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~man~~ *person* seeking work.

(d) [He] *The individual* is available for and seeking permanent, full-time work for which he *or she* is qualified.

(e) [He] *The individual* has disclosed whether or not he *or she* owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] *The individual* has participated in reemployment services when so directed by the commissioner unless he *or she* has completed such services or has good cause for failure to participate in such services.

3 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) [He] *The individual* has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept *any* suitable work when offered [him], or to return to [his] *the individual's* customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to [his] *the individual's* health, safety and morals; and

(B) [His] *The individual's* physical fitness; and

(C) [His] *The individual's* prior training; and

(D) [His] *The individual's* experience; and

(E) [His] *The individual's* prospects for securing, in his labor market area, work in his *or her* customary occupation; and

(F) The distance of the available work from [his] *the individual's* residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he *or she* acquired his *or her* currently available annual earnings; and

(G) [His] Prior earnings, *prior shifts and hours*, and length of unemployment, but [his] prior earnings shall be given more weight than [his] length of unemployment, *and length of unemployment shall be given more weight than prior shifts and hours*.

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) ~~If he is unable to apply for or accept work during the hours of the third shift, so-called, because he is the only adult available for the care of his children under the age of 15 during said hours or for the care of an ill or infirm elderly person who is dependent on him for support.~~

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

4 Effective Date. This act shall take effect January 1, 2003.

# AMENDED ANALYSIS

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits  
 Reps. Baroody and Gilman spoke in favor.  
 Rep. Burling spoke against.  
 Rep. Herman requested a roll call; sufficiently seconded.  
 The question being adoption of the Baroody floor amendment (2320h).

## YEAS 202 NAYS 152

### YEAS 202

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Smith, Edwin

#### COOS

Horton, Lynn	Pratt, Leighton	Tholl, John Jr	Woodward, David
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#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Sova, Charles
Teschner, Douglass	Ward, Brien		

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Drisko, Richard
Dwyer, Paul	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Ford, Nancy	Furman, Christine	Gargasz, Carolyn	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith
Hopper, Gary	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Leach, Edward	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Salts, Greg	Seibel, Christopher
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

#### MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Vivian	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Kobel, Rudolph
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Albert, Russell	Berube, Roger	Brown, Julie	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Musler, George	Reid, Christopher
Twombly, James	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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**NAYS 152****BELKNAP**

Dewhirst, Glenn	Flanders, Donald	Johnson, William	Millham, Alida
Wood, Jane			

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Landers, Dana	Rodrigue, Robert	Stohl, Eric	

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda			

**HILLSBOROUGH**

Andosca, Mary	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Cardin, Lori	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Eaton, Richard	Fletcher, Richard
Foster, Linda	Ginsburg, Ruth	Gorman, Mary	Graham, John
Hall, Betty	Holden, Randolph	Jean, Claudette	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	Lefebvre, Roland
Lynde, Harold	Martin, Mary Ellen	Melcher, Harold	Messier, Irene

Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Murphy, Robert  
Shaw, Barbara  
White, John

Panagopoulos, Nicholas  
Spiess, Paul  
Williams, Carol

Peterson, Andrew  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Owen, Derek  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

Clarke, Claire  
French, Barbara  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Crosby, Toni  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
DiFruscia, Anthony  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Whittier, John

Clark, Martha Fuller  
Hamel, Albert  
Langone, John  
Pantelakos, Laura  
Shultis, Elizabeth

Coes, Betsy  
Hutchinson, Karen  
McGuire, Robert  
Pitts, Jacqueline  
Splaine, James

Cooney, Richard  
Kane, Cecelia  
Micklon, Stephanie  
Putnam, Ed II  
Weatherspoon, Jacquelyne

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lachance, Douglas  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Tsiros, William

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the floor amendment (2320h) was adopted.  
Report adopted and ordered to third reading.  
Rep. Putnam voted nay and intended to vote aye.

**HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: This is the next logical step in providing recording equipment for committee hearings. This bill will enable expanding equipment to approximately six (6) more committee rooms. The initial pilot program was established in the following committees: Criminal Justice and Executive Departments and Administration. The program works very well and this committee strongly encourages its continuation. Vote 11-0.

Adopted.

Referred to Finance.

**HB 1411-FN-A**, transferring funds from 2 capital accounts to the judicial branch for district court security implementation period funding. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: As amended, this bill transfers \$300,000 to the judicial branch for district court security services that were underfunded. The sum is transferred from the balances of two prior capital appropriations made to the Department of Corrections. Additionally, a footnote is deleted to allow the transfer of funds between line items for district probate court security. Vote 14-2.

### Amendment (2283h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to transfer of funds for district and probate court security.

Amend the bill by replacing all after the enacting clause with the following:

1 Transfer of Funds; District Court Security Implementation Funding.

I. The sum of up to \$300,000 is hereby transferred from the accounts listed in paragraph II to 2001, 130:1.02, 01, 06, class 90, to cover the costs incurred by the judicial branch in implementing the new administrative plan for provision of district court security services.

II. The sum transferred shall be from the balances of the following 2 capital appropriations made to the department of corrections:

(a) 1999, 226:1, V, D, new halfway house-southern.

(b) 1995, 309:1, IV, K as amended by 1997, 349:29, preliminary design of expanded correctional facilities in accordance with federal crime bill grants.

III. Notwithstanding any other provision of law, the sum transferred under this section shall be bonded for no more than 3 years.

2 Footnote Deleted; District and Probate Court Security. 2001, 130:1.02, 01, 06 is repealed and reenacted to read as follows:

02 Admin of justice and public prin

01 Judicial branch

06 Court security

	<u>FY 2002</u>	<u>FY 2003</u>
10 Personal services – permanent	\$ 31,786	\$ 31,786
50 Personal service – temp/appointe	26,000	26,000
60 Benefits	12,162	12,162
90 District & probate security	1,066,130	1,066,130
92 Sheriff reimbursement *	1,490,200	1,490,200

\* The judicial branch shall make transfers sufficient to fully fund the provisions of RSA 104:31, X. 3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill transfers funds from 2 capital accounts to the judicial branch for district court security implementation period funding.

The bill also eliminates a footnote in the 2002-2003 operating budget which prevents the judicial branch from transferring funds in and out of the class line for district and probate court security. Adopted.

Report adopted and referred to Finance.

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The original bill provided for a bonded appropriation of \$5 million to the Housing Finance Authority for affordable housing based on a study committee report last year. The committee heard substantial testimony for the need for affordable housing and the success of previous bonding in 1988. The amendment provides for splitting the bonding into two separate bienniums to ease the pressure on the state bonding limits. The amendment also increases the capital appropriation for the New Hampshire Veterans Home expansion that was overbid by \$1.9 million. The additional appropriation includes \$650,000 of federal support which requires an additional state appropriation of \$1.25 million. It is critical that the appropriation is approved by April 1st or the federal share of \$7.15 million will be terminated and the much needed project of 100 more beds would have to be started over by reapplication which could take years to reach this point again, if ever. Vote 16-0.

#### Amendment (2318h)

Amend the title of the bill by replacing it with the following:

AN ACT making a capital appropriation to support affordable housing solutions in the state of New Hampshire and increasing a capital appropriation to the New Hampshire veterans' home to design and build a new facility.

Amend the bill by replacing all after section 2 with the following:

3 Appropriation. The sums of \$2,500,000 for the fiscal year ending June 30, 2003 and \$2,500,000 for the fiscal year ending June 30, 2004 are hereby appropriated to the New Hampshire housing finance authority for the purposes set forth in RSA 204-C:56-62. This appropriation shall be nonlapsing.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of

\$5,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A, provided said bonds and notes shall not be issued in excess of \$2,500,000 for the fiscal year ending June 30, 2003 and an additional \$2,500,000 for the fiscal year ending June 30, 2004. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

5 Capital Budget; Veterans' Home; Appropriation Increased. Amend 1999, 226:1, XIV to read as follows:

XIV. N.H. Veterans Home.		
A. Design and build new facility	[\$10,000,000]	\$11,900,000
Less federal	[-6,500,000]	7,150,000
Net state appropriation subparagraph A	[3,500,000]	4,750,000
Total state appropriation paragraph XIV	[\$3,500,000]	\$4,750,000

The funds appropriated in subparagraph A shall not lapse.

6 Capital Budget; Total Amended: Amend 1999, 226:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	[\$41,311,314]	\$42,561,314
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7 Capital Budget; Bonds Authorized; Total Amended: Amend 1999, 226:8 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$59,425,314~~] **\$60,675,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes a capital appropriation to support affordable housing initiatives in the state of New Hampshire and increases the capital appropriation made to the New Hampshire Veterans' Home to design and build a new facility.

Adopted.

Report adopted.

Referred to Finance.

**HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: Several members of the Resources, Recreation & Development Committee attended a Public Hearing in Pittsburg, N.H. on January 12, 2002. The hearing covered all the aspects of the acquisition of the lands known as the Connecticut Lakes headwaters. The committee heard overwhelming support from the local residents for this legislation. A forum on this acquisition was held in the LOB on January 22, 2002 with many legislators and the public attending. The Public Hearing before the committee was also well attended. After much positive discussion, the committee supports this legislation with a unanimous vote of the committee members attending. What this bill does is permanently protect 171,500 acres from development and subdivision. There will be continued forest management with sustainable harvesting guidelines in the conservation easements. There will be perpetual public access for a full range of recreation. Twenty-five thousand acres (25,000) of natural areas have been set aside and will be owned and managed by the state. Local, state, private and federal funds will finance this project. Consideration has been given to the people who live and work in these communities. It is hoped that the entire house can fully support this once in a lifetime opportunity. Vote 14-0.

**Amendment (2271h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to make funds available for the purchase of a certain tract of land and related conservation easements located in Pittsburg, Clarksville, and Stewartstown, New Hampshire, known as the Connecticut Lakes headwaters tract.



## 2 Findings.

I. The general court finds that certain lands in Pittsburg, Clarksville, and Stewartstown, New Hampshire, known as the Connecticut Lakes headwaters tract, have provided economic, recreation, and natural resource benefits to the state's citizens and visitors for generations. The owner of these lands has recently declared its intention to sell 171,500 acres, known as the Connecticut Lakes headwaters tract. This land represents 3.4 percent of the land area of the state and encompasses the headwater tributaries of the Connecticut and Androscoggin Rivers. The general court declares that it is in the public interest to acquire fee ownership and conservation easement interests in these lands to ensure that they remain as a largely undeveloped, productive, working forest which also provides public access for recreation and conserves ecologically sensitive areas. The general court also finds that in addition to state capital and general fund appropriations, an effort of this scope requires the contribution of funds from many sources, including the federal government, a private timberland investor, and other private individuals, organizations, and charitable foundations.

II. The general court further finds that it is in the best interests of the state of New Hampshire that a conservation easement:

- (a) Cover 146,400 acres to be purchased by a private buyer.
- (b) Be executed in perpetuity to govern all future owners of the property.
- (c) Be recorded in the registry of deeds for Coos county where it can be viewed in its entirety by members of the public.
- (d) Provide for continued forest management and timber harvesting.
- (e) Guarantee public access for recreation including, but not limited to, hiking, hunting, fishing, trapping, snowmobiling, and other motorized recreation.
- (f) Provide for continued vehicular access to major portions of the property over the existing road network.
- (g) Provide for monitoring and enforcement of the easement by the state of New Hampshire.

3 New Section; Connecticut Lakes Headwaters Citizens Committee Established. Amend RSA 12-A by inserting after section 9-a the following new section:

12-A:9-b Connecticut Lakes Headwaters Citizens Committee.

I. There is established the Connecticut Lakes headwaters citizens committee. Committee membership shall be as follows and shall include a minimum of 7 members who are residents of any community in the Great North Woods region association, as established by the state in February 1998:

- (a) Two residents of the town of Pittsburg, appointed by the selectmen.
- (b) One resident of the town of Clarksville, appointed by the selectmen.
- (c) One resident of the town of Stewartstown, appointed by the selectmen.
- (d) One person who shall have expertise in forestry and timber harvesting, appointed by the speaker of the house of representatives.
- (e) One person who shall have expertise in monitoring conservation easements, appointed by the speaker of the house of representatives.
- (f) One person who shall have expertise in outdoor recreation and tourism, appointed by the president of the senate.
- (g) One person who shall have expertise in forest ecology and management of natural areas, appointed by the president of the senate.
- (h) Two persons appointed by the governor with the consent of the council.
- (i) A Coos county commissioner, or designee.
- (j) The commissioner of the department of resources and economic development, or designee.
- (k) The executive director of the fish and game department, or designee.
- (l) A representative of the largest private landowner within the borders of the Connecticut Lakes headwaters tract, appointed by the landowner, who shall serve as an ex-officio, non-voting member.

II. Each member shall serve a 3-year term. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms.

III. The members shall elect a chairperson from among the public members. Preference shall be given to a resident of the Great North Woods region if a member from that area is willing to serve as chairman, otherwise another public member shall be elected.

IV. The committee shall meet at least annually and at such other times as the chairperson deems necessary. At least once annually, the committee shall meet to review the management plan of the

state-owned properties as prepared by the managing state agencies. The committee's meetings shall be open to the public, in accordance with RSA 91-A. Interested members of the public shall be allowed to speak before the committee or to submit statements. Records, reports, and working papers generated or used by the committee, or both, shall be made available to the public for inspection or copying. The committee shall not be responsible to the public for the costs of copying its documents.

V. The duties of the committee shall include and be limited to:

(a) Providing advice to the monitoring entity for monitoring compliance with the terms and conditions of the working forest conservation easement covering approximately 146,400 acres of the Connecticut Lakes headwaters tract.

(b) Providing advice to the department of resources and economic development and the fish and game department on the management of public recreational use of the Connecticut Lakes headwaters tract, including the siting and approval of the first 10 new leases, the seasonal use of the road system, snowmobile trails and their use, and the terms for access and use of the tract by motorized vehicles. Such advice shall be offered in cooperation with the private landowner.

(c) Providing advice on the management of state park and natural areas within the tract owned in fee by the state.

(d) Exercising authority to decide if 15 leases in addition to those in subparagraph (b) should be allowed and where such leases should be located, if the private owner or any future private owner requests this action.

(e) Exercising authority to decide if the private buyer, or any future private owner, should be allowed to exercise its rights under the conservation easement for commercial recreational activities for which the private owner may charge fees.

(f) Exercising authority to decide if the state can build structures for visitor support facilities as described in the conservation easement for the 146,400 acres.

VI. The commissioner of the department of resources and economic development shall designate a state employee from the department as the administrative officer of the committee. The administrative officer shall attend each meeting of the committee and provide recordkeeping and related administrative and clerical assistance to the committee.

VII. The terms and provisions of the conservation easements shall at all times provide the legal basis for the committee's advice and authority, and any legal opinion of the easement's terms shall be rendered by the attorney general.

4 Acquisition of Certain Lands and Rights in Lands. The governor is authorized to expend an amount not to exceed \$10,000,000 to purchase fee real estate and conservation easement interests in Pittsburg, Clarksville, and Stewartstown, New Hampshire consisting of approximately 171,500 acres known as the Connecticut Lakes headwaters tract. Of this acreage, the state's fee ownership of 25,000 acres in natural areas shall be subject to a conservation easement to be held by a qualified not-for-profit conservation organization or other qualified entity or both, and shall be managed in the public interest by the fish and game department. Of this acreage, 146,400 acres shall be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the department of resources and economic development. One hundred acres shall be managed by the department of resources and economic development as an addition to the Deer Mountain campground.

5 New Paragraphs; Land to be Retained. Amend RSA 227-H:5 by inserting after paragraph XIV the following new paragraphs:

XV. Connecticut Lakes headwaters tract natural areas, consisting of approximately 25,000 acres in the towns of Pittsburg and Clarksville .

XVI. Connecticut Lakes headwaters tract addition to the Deer Mountain campground, consisting of approximately 100 acres in the town of Pittsburg, to be owned and managed for conservation and outdoor recreation purposes only.

6 New Subdivisions; Connecticut Lakes Headwaters Tract Monitoring Endowment; Connecticut Lakes Headwaters Natural Areas Stewardship Endowment; Connecticut Lakes Headquarters Tract Road Maintenance Endowment. Amend RSA 216 by inserting after section 6 the following new subdivisions:

Connecticut Lakes Headwaters Tract Monitoring Endowment

216:7 Monitoring Endowment Established.

I. There is established an endowment fund, to be known as the Connecticut Lakes headwaters tract monitoring endowment, for the purpose of ensuring a perpetual source of funds to monitor

compliance with the terms and conditions of the conservation easement interests acquired by the state in the Connecticut Lakes headwaters tract. The fund shall be administered jointly by the executive director of the fish and game department and the commissioner of the department of resources and economic development.

II. Funds added to the monitoring endowment pursuant to paragraph I shall be used to support monitoring by state agencies, local municipalities, and qualifying nonprofit corporations of conservation easement interests acquired in the Connecticut Lakes headwaters tract. Such monitoring shall be to ensure that the tract will be managed according to the legal agreements embodied within the conservation easement, which is recorded in its entirety in the Coos county registry of deeds.

216:8 Administration.

I. The monitoring endowment established by RSA 216:7 shall be maintained in perpetuity and shall be utilized only for the purposes of monitoring and enforcing the conservation easement acquired through the Connecticut Lakes headwaters tract purchase.

II. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision and expenditures from the endowment for these purposes shall be limited to the interest earned thereon.

III. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision within the fiscal year in which it is earned shall be nonlapsing. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations, and grants shall be added to the principal amount.

IV. The executive director of the fish and game department and the commissioner of the department of resources and economic development shall, pursuant to the monitoring endowment established under RSA 216:7, I, jointly prepare an annual report to be presented no later than December 1 of each year to the speaker of the house, the president of the senate, the governor, the house clerk, the senate clerk, and the state library. The report shall include a listing of all lands and interests in lands subject to the monitoring provisions of RSA 216:7 and a complete financial accounting of the funds in the monitoring endowment including expenditures for the most recent full fiscal year. The report shall also summarize monitoring activities and findings for each property, as conducted in the most recent full fiscal year.

Connecticut Lakes Headwaters Natural Areas Stewardship Endowment

216:9 Stewardship Endowment.

I. There is hereby established an endowment fund to be known as the Connecticut Lakes headwaters natural areas stewardship endowment account.

II. The stewardship endowment shall be maintained in perpetuity and shall be utilized jointly by the executive director of the fish and game department and the commissioner of the department of resources and economic development only for the purposes of habitat and public use management of 25,000 acres of natural areas owned by the state of New Hampshire, and for the purposes of recreation, use, and the conservation easement management of the 146,400 acres on which the state shall hold a conservation easement within the Connecticut Lakes headwaters tract.

III. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision and expenditures from the endowment account for those purposes shall be limited to the interest earned thereon.

IV. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision within the fiscal year in which it is earned shall be nonlapsing. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations, and grants shall be added to the principal amount.

V. The executive director of the fish and game department and the commissioner of the department of resources and economic development shall, pursuant to the stewardship endowment, prepare an annual report to be presented no later than December 1 of each year to the speaker of the house, the president of the senate, the governor, the house clerk, the senate clerk, and the state library. The report shall include a listing of all natural area lands within the Connecticut Lakes headwaters tract under their joint stewardship and a complete financial accounting of the funds in the stewardship endowment including expenditures for the most recent full fiscal year. The report shall also summarize stewardship activities and findings for each natural area, for the most recent full fiscal year.

Connecticut Lakes Headwaters Tract Road  
Maintenance Endowment

216:10 Road Maintenance Endowment Established.

I. There is established an endowment fund, to be known as the Connecticut Lakes headwaters tract road maintenance endowment, for the purpose of ensuring a perpetual source of funds to maintain the system of roads that exists within the conservation easement and property interests acquired by the state in the Connecticut Lakes headwaters tract. The fund shall be administered jointly by the executive director of the fish and game department and the commissioner of the department of resources and economic development.

II. Funds added to the road maintenance endowment pursuant to paragraph I shall be used to support road maintenance under the authority of state agencies within the conservation easement and property interests acquired in the Connecticut Lakes headwaters tract.

216:11 Administration.

I. The road maintenance endowment established by RSA 216:10 shall be maintained in perpetuity and shall be utilized only for the purposes of maintaining the road system acquired through the Connecticut Lakes headwaters tract purchase.

II. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision and expenditures from the endowment for these purposes shall be limited to the interest earned thereon.

III. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision within the fiscal year in which it is earned shall be non-lapsing. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations, and grants shall be added to the principal amount.

IV. The executive director of the fish and game department and the commissioner of the department of resources and economic development shall, pursuant to the road maintenance endowment established under RSA 216:10, I, jointly prepare an annual report to be presented no later than December 1 of each year to the speaker of the house, the president of the senate, the governor, the house clerk, the senate clerk, and the state library. The report shall include a listing of all roads subject to the maintenance provisions of RSA 216:10 and a complete financial accounting of the funds in the monitoring endowment including expenditures for the most recent full fiscal year. The report shall also summarize maintenance activities for the road system, as conducted in the most recent full fiscal year.

7 Exemption From Real Estate Transfer Tax. The provisions of RSA 78-B shall not apply to transfers of real estate or any interest in real estate to or from any organization exempt from federal taxation under section 501 of the United States Internal Revenue Code of 1986, as amended, that are necessary to achieve the purposes of this act. The exception provided in this paragraph shall apply only to the exempt organization. Any non-exempt seller, grantor, assignor, transferor, or purchaser of any real estate or interest in real estate shall be liable for the payment of the tax imposed by RSA 78-B:1.

8 Appropriation. The sum of \$10,000,000 is hereby appropriated to the office of the governor for the purchase of a certain tract of land and conservation easements in the towns of Pittsburg, Clarksville, and Stewartstown, New Hampshire known as the Connecticut Lakes headwaters tract. Any portion of this appropriation which is not expended for this purpose shall lapse to the general fund on June 30, 2003.

9 Bonds Authorized. To provide funds for the appropriation made in section 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$10,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

10 State Agencies Authorized to Hold Rights Under the Land and Community Heritage Investment Program. Amend RSA 227-M:8, II to read as follows:

II. Other parties wishing to participate in the program may partner with one or more eligible applicants. *At the option of eligible applicants and with the approval of the board, state agencies may hold rights in resource assets acquired through the program by eligible applicants.* The applicant must demonstrate the commitment of the owner of the assets to participate in the proposed action.

11 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Referred to Finance.

**HB 1263-FN-A-L**, establishing the statewide cost of an adequate education at zero dollars and repealing the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for Ways and Means: Currently approximately \$880 million of state aid is distributed to the 234 districts and municipalities at the existing adequacy amounts. A reduction in state aid based on zero adequacy does not lower taxes on residents of New Hampshire, it merely shifts the \$880 million onto local property rates. For most communities, a one-dollar reduction in the state property taxes equates to a two (\$2) increase in local property tax. This would amount to the single largest property tax increase in New Hampshire's history. Opponents may argue that it is a first step in the state reasserting control over school funding; however, no distribution replacement is offered with this bill. The legislature has been entrusted to help communities lower their property tax rates for education only to break their word and fail to fund their promised amounts. The most recent example of this was the Augenblick formula. Zero dollars for adequacy, as written in this bill, only eliminates state money for public education. The committee has no desire to place such a large property tax increase on the state of New Hampshire's residents. Vote 14-3.

Adopted.

**HB 1294-FN-A**, reducing the tobacco tax. **REFER TO FOR INTERIM STUDY**

Rep. David J. Alukonis for Ways and Means: In light of recent and proposed tobacco tax increases in our surrounding states, the committee would like this bill referred back to it for interim study. The bill will serve well as a vehicle for the committee to study the impacts and consequences of raising taxes in other states and the resulting impacts on our domestic sales and New Hampshire's tobacco tax receipts. Vote 17-0.

Adopted.

**HB 1319-FN-A-L**, establishing the New Hampshire electronic gaming commission, creating New Hampshire electronic gaming districts, and authorizing the licensing and use of electronic gaming machines and equipment. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Ways and Means: After due consideration, the committee opted to use another vehicle to address the issue of expanded gaming in New Hampshire. Vote 13-3.

Adopted.

**HB 1353-FN-A-L**, relative to video lottery at the racetracks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Alukonis for the Majority of Ways and Means: HB 1353 would allow for the development of four slot machine casinos at the three existing dog tracks and the sole thoroughbred horse track. While the bill is well drafted, there are serious policy and fiscal consequences with this proposal. These consequences are not in the best interest of the host communities, or of the State of New Hampshire as a whole. At no time during the public hearing, sub-committee work session, or during the full committee executive session was there any testimony that this proposal would maximize state revenues, result in the least local impact, or that the monies generated would be allocated in the best possible fashion. The only projections provided to the committee were those provided by the racetracks themselves, the very (and only) businesses that would benefit from this legislation. While these numbers may be correct, the committee has had no other forecasts or projections made available which would allow for an objective and impartial review. Proponents of the bill suggest that the bill will generate a net increase of \$56 million to the general fund while reducing the business profits tax, the business enterprise tax and the statewide property tax. There is an old saying that says: "Follow the money." The committee is unable to "follow the money," and cannot verify that the general fund will be bettered by \$56 million per year. Nor can the committee guaranty that the total dollars generated will fully fund the state's needs as well as the tax reductions. In this respect, the tax reductions proposed in this bill may very well be temporary. The uncertainty is simply too great. Additionally, the committee questions the use of funds as proposed in the bill. Do we want the state to be responsible for buying, leasing, owning and operating the slot machines while the tracks propose to realize a gross income of \$190 million? Do we want the

state to pay for the health and welfare benefits of the jockeys? Do we want the state to fund a breeding fund or a greyhound adoption fund? These serious policy questions have not been discussed. It is the desire of the majority of the Ways & Means Committee that a study be performed which will bring to light all facts and figures relevant to each of the major gambling structures that have been proposed. The light of day has not fully allowed for a complete and comprehensive look at the impacts of this, or any other gambling legislation Vote 9-8.

Rep. Howard C. Dickinson For the Minority of Ways and Means: HB 1353, as amended will allow the four racetracks in the state of New Hampshire to operate video lottery terminals under the control of the Pari-mutuel Commission, the Sweepstakes Commission and a newly created agency, the Gaming Oversight Authority. Together, these three agencies will regulate discreet aspects of the operations to ensure that New Hampshire will have a superior product and at the same time, the integrity and public safety aspects of expanded gambling are addressed. The bill, as amended, dedicates funds to create a live racing purse fund administered by the Pari-mutuel Commission. In addition, funds are provided for problem gambling and other addictive behaviors. The bill also provides funds to the greyhound adoption program, economic development within the counties in which the pari-mutuel licensees are located and additional economic development funds to be administered by the Department of Resources and Economic Development. HB 1353, as amended, institutes additional safeguards. For example, the bill requires a bid procedure with regard to the machine providers and the central computer system. The bill prohibits automatic teller machines being located within 150 feet of video lottery terminals. The bill has strict penalties for underage use of video lottery machines. The bill empowers the Gaming Oversight Authority to impose significant penalties for violations of the chapter, including the suspension of licenses. Lastly, the bill requires that local approval occur in the four communities in which the racetracks are located. The bill will produce significant revenues to the state of New Hampshire. These revenues will be sufficient to reduce the recent increases in the business property tax to 8%, and reduces the business enterprise tax to ½%, and further reduces the statewide property tax to \$4.90. The bill will produce in excess of \$75,000,000 in funds available for the general fund. These revenue projections anticipate competition in adjacent jurisdictions, including the Commonwealth of Massachusetts. For these reasons the minority of the committee recommends HB 1353 ought to pass with amendment.

Rep. Lasky spoke against.

Reps. Jacobson, Almy, Vaillancourt and Hager spoke in favor.

Reps. Dickinson and Weyler spoke against and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 217 NAYS 130

### YEAS 217

#### BELKNAP

Flanders, Donald  
Millham, Alida  
Wood, Jane

Holbrook, Robert  
Rice, Thomas Jr

Johnson, William  
Rosen, Ralph

Lawton, David  
Wendelboe, Fran

### CARROLL

Babson, David Jr  
Philbrick, Donald  
Torresen, Gary

Bradley, Jeb  
Quimby, Lee

Kenney, Joseph  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Edwards, Dana  
Liebl, George  
Pratt, John

Batchelder, Robert  
Espiefs, Peter  
Manning, Joseph  
Richardson, Barbara

Burnham, Daniel  
Fairbanks, Chandler  
Meader, David  
Weed, Charles

Dexter, Judson  
Hunt, John  
Pratt, Irene

### COOS

Bradley, Paula  
Tholl, John Jr

Davis, Perley  
Woodward, David

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Gilman, G Michael  
Mirski, Paul  
Scovner, Nancy

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Sokol, Hilda

Barker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Nordgren, Sharon  
Sova, Charles

Benn, Bernard  
Gabler, William  
Marshall, Gene  
Pawlek, Marion  
Teschner, Douglass

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Chabot, Robert  
Dionne, Kimberley  
Eaton, Richard  
Ford, Nancy  
Gleneck, David  
Guinta, Frank  
Jean, Loren  
Martin, Mary Ellen  
Messier, Irene  
Pepino, Leo  
Spiess, Paul  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Dokmo, Cynthia  
Elliott, Larry  
Furman, Christine  
Golding, William  
Hall, Betty  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Sullivan, Peter  
Wheeler, Robert

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Gonzalez, Carlos  
Herman, Keith  
Leach, Edward  
Melcher, Harold  
Movsesian, Lori  
Reeves, Sandra  
Tahir, Saghir  
White, Donald

Balboni, Michael  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Ginsburg, Ruth  
Goulet, Maurice  
Hopper, Gary  
Lefebvre, Roland  
Mercer, Robert  
O'Connell, Timothy  
Salts, Greg  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Bouchard, Candace  
Davis, Frank  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Rodd, Beth  
Whalley, Michael

Brewster, Richard  
Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
Moore, Carol  
Soltani, Tony  
Winter, Steven

Clarke, Claire  
French, Barbara  
Hutchinson, John  
Leber, William  
Owen, Derek  
Swindlehurst, John  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Clark, Martha Fuller  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Moore, Benjamin  
Pitts, Jacqueline  
Ruffner, Walter  
Stone, Joseph  
Welch, David

Bishop, Franklin  
Carson, Sharon  
Clark, Vivian  
Dumaine, Dudley  
Gilbert, Jeffrey  
Introne, Robert  
Langley, Jane  
Norelli, Terie  
Putnam, Ed II  
Shultis, Elizabeth  
Stitch, C Donald  
Zolla, William

Blanchard, MaryAnn  
Case, Margaret  
Coes, Betsy  
Fesh, Bob  
Gilbert, Karl  
Itse, Daniel  
Letourneau, Robert  
Nowe, Ronald  
Quandt, Marshall  
Sloan, Stephen  
Varrell, Thomas

Bowles, Raimond  
Chalbeck, Kevin  
Cox, Russell  
Flanders, John Sr  
Hamel, Albert  
Johnson, Rogers  
Major, Norman  
Palermo, Diane  
Quandt, Matthew  
Splaine, James  
Weatherspoon, Jacquelyne

**STRAFFORD**

Albert, Russell  
Estabrook, Iris  
Heon, Richard  
Reid, Christopher  
Woods, Phyllis

Cossette, Larry  
Gilmore, Gary  
Johnson, Nancy  
Smith, Marjorie

DeChane, Marlene  
Goodwin, Earle  
Kaen, Naida  
Spang, Judith

Dunlap, Patricia  
Grassie, Anne  
Pelletier, Arthur  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Leone, Richard

Franklin, Peter  
Odell, Bob

Harris, Sandra  
Phinzy, James

Jones, Constance  
Rodeschin, Beverly

### NAYS 130 BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Nedeau, Stephen	Russell, David	Thomas, John	

### CARROLL

Dickinson, Howard	Mock, Henry
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### CHESHIRE

Avery, Stephen	Emerson, Susan	Mitchell, McKim	Roberts, William
Smith, Edwin	Zerba, Roger		

### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Rodrigue, Robert	Rozek, Michael		

### GRAFTON

Alger, John	Cobb, John	Ward, Brien
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### HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bruno, Pierre
Buckley, Raymond	Cardin, Lori	Christensen, D L Chris	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Desrosiers, William
Dionne, David	Dwyer, Paul	Fields, Dennis	Foster, Linda
Gorman, Mary	Graham, John	Greenberg, Gary	Haley, Robert
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Leishman, Peter	Lessard, Rudy
Martel, Andre	McRae, Karen	Milligan, Robert	Murphy, Robert
Panagopoulos, Nicholas	Pappas, Marc	Schulze, Joan	Shaw, Barbara
Sweeney, Cynthia	Thompson, Rob	White, John	Williams, Carol

### MERRIMACK

Cummings, Raymond	Daneault, Gabriel	Fraser, Leo Jr	Greco, Vincent
Langer, Ray	Maxfield, Roy	Perkins, Randy	Rush, Deanna
Seldin, Gloria			

### ROCKINGHAM

Belanger, Ronald	Bridle, Russell	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael	Giordano, Ronald
Gleason, John	Griffin, Mary	Holland, James Jr	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Langone, John	McGuire, Robert
Micklon, Stephanie	Morse, Charles	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Power, Lucille	Priestley, Anne	Rausch, James
Robertson, Carl	Saia, Pamela	Sapareto, Frank	Weyler, Kenneth
Whittier, John			

### STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Ferland, Paul	Harrington, Michael	Hughes, Christopher	Lachance, Douglas
McCarthy, Gerald	Proulx, Raymond	Rollo, Michael	Snyder, Clair
Taylor, Kathleen	Tsiros, William	Twombly, James	Woodill, Rodney

### SULLIVAN

Burling, Peter	Ferland, Brenda	Harris, Joseph	Robb, Amy
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and the majority report was adopted.  
Rep. McGuirk did not vote and wished to be recorded in favor.  
Rep. Greenberg voted nay and meant to vote yea.



**MOTION TO LAY ON THE TABLE**

Rep. Dickinson moved that **HB 1353-FN-A-L**, relative to video lottery at the racetracks, be laid on the table.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the motion to lay **HB 1353-FN-A-L** on the table.

**YEAS 112 NAYS 237**

**YEAS 112****BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Nedeau, Stephen	Thomas, John
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**CARROLL**

Dickinson, Howard

**CHESHIRE**

Emerson, Susan	Mitchell, McKim	Roberts, William	Smith, Edwin
Zerba, Roger			

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Rozeck, Michael			

**GRAFTON**

Cobb, John	Ward, Brien
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**HILLSBOROUGH**

Andosca, Mary	Balcom, John	Baroody, Benjamin	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Desrosiers, William	Dionne, David	Dwyer, Paul
Elliott, Larry	Fields, Dennis	Foster, Linda	Gorman, Mary
Guinta, Frank	Haley, Robert	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
LaFlamme, Paul	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	McRae, Karen	Milligan, Robert	Moran, Edward
Murphy, Robert	Panagopoulos, Nicholas	Pappas, Marc	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Thompson, Rob	White, Donald
Williams, Carol			

**MERRIMACK**

Cummings, Raymond	Fraser, Leo Jr	Greco, Vincent	Perkins, Randy
Rush, Deanna	Seldin, Gloria		

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	Downing, Michael	Giordano, Ronald	Gleason, John
Griffin, Mary	Holland, James Jr	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Morse, Charles	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Rausch, James	Saia, Pamela	Sapareto, Frank	Splaine, James
Weyler, Kenneth	Whittier, John		

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	DeChane, Marlene
Ferland, Paul	Harrington, Michael	Hughes, Christopher	Lachance, Douglas
McCarthy, Gerald	Proulx, Raymond	Rollo, Michael	Taylor, Kathleen
Tsiros, William	Twombly, James	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter

Phinizy, James

**NAYS 237****BELKNAP**Bartlett, Gordon  
Johnson, William  
Rosen, RalphBoyce, Laurie  
Lawton, David  
Russell, DavidFlanders, Donald  
Millham, Alida  
Wendelboe, FranHolbrook, Robert  
Rice, Thomas Jr  
Wood, Jane**CARROLL**Babson, David Jr  
Patten, Betsey  
Sullivan, P JudithBradley, Jeb  
Philbrick, Donald  
Torressen, GaryKenney, Joseph  
Quimby, LeeMock, Henry  
Stevens, Stanley**CHESHIRE**Allen, Peter  
Dexter, Judson  
Hunt, John  
Pratt, IreneAvery, Stephen  
Edwards, Dana  
Liebl, George  
Pratt, JohnBatchelder, Robert  
Espiefs, Peter  
Manning, Joseph  
Richardson, BarbaraBurnham, Daniel  
Fairbanks, Chandler  
Meador, David  
Weed, Charles**COOS**Bradley, Paula  
Stohl, EricDavis, Perley  
Tholl, John JrPratt, Leighton  
Woodward, David

Rodrigue, Robert

**GRAFTON**Akins, Ralph  
Benn, Bernard  
Gabler, William  
Marshall, Gene  
Pawlek, Marion  
Teschner, DouglassAlger, John  
Cooney, Mary  
Gilman, G Michael  
Mirski, Paul  
Scovner, NancyAlmy, Susan  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Sokol, HildaBarker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Nordgren, Sharon  
Sova, Charles**HILLSBOROUGH**Allan, Nelson  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Fletcher, Richard  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Kurk, Neal  
Martel, Andre  
Mercer, Robert  
Pepino, Leo  
Schulze, Joan  
Vaillancourt, SteveAlukonis, David  
Bellavance, Paul  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Ford, Nancy  
Gleneck, David  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Martin, Mary Ellen  
Messier, Irene  
Peterson, Andrew  
Sullivan, Peter  
Wheeler, RobertArtz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Eaton, Richard  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
Leach, Edward  
McHugh, Claire  
Movsesian, Lori  
Reeves, Sandra  
Tahir, Saghir  
White, JohnBalboni, Michael  
Bergin, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Gargasz, Carolyn  
Gonzalez, Carlos  
Hall, Betty  
Jean, Loren  
Lynde, Harold  
Melcher, Harold  
O'Connell, Timothy  
Salts, Greg  
Thulander, O Alan**MERRIMACK**Anderson, Eric  
Colcord, J D  
French, Barbara  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy  
Rodd, Beth  
Whalley, MichaelBouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Soltani, Tony  
Winter, StevenBrewster, Richard  
Davis, Frank  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Owen, Derek  
Swindlehurst, John  
Yeaton, CharlesClarke, Claire  
Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Hamel, Albert	Henderson, Warren	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	Nowe, Ronald	O'Neil, Michael
Palermo, Diane	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Zolla, William		

**STRAFFORD**

Albert, Russell	Brennan, William	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Pelletier, Arthur
Reid, Christopher	Smith, Marjorie	Snyder, Clair	Spang, Judith
Woods, Phyllis			

**SULLIVAN**

Cloutier, John	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Robb, Amy	Rodeschin, Beverly		

and the motion failed.

**MOTION TO INDEFINITELY POSTPONE**

Rep. Soltani moved that **HB 1353-FN-A-L**, relative to video lottery at the racetracks, be indefinitely postponed.

Rep. Edwin Smith spoke against.

Rep. Soltani withdrew the motion.

**REGULAR CALENDAR (CONT'D.)**

**HB 1404-FN-A-L**, establishing an economic development resort and casino at Jericho Lake Park in Berlin. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David J. Alukonis for the Majority of Ways and Means: This bill would establish a State run casino in the city of Berlin. The intent of the sponsors is to provide much needed property tax relief and economic development to the city of Berlin to help offset the effects of the closing of the paper mills. While the committee understands the unfortunate economic situation in Berlin, the committee feels that expanding gambling would not be a long-term solution to Berlin's problems. The committee has doubts about the financial impact a casino in Berlin would have considering its geographic location. In addition, expanding gambling opportunities to only the city of Berlin makes poor public policy. The committee believes the efforts the state of New Hampshire has already taken to help diminish the economic effects of mill closings is a good step forward in helping Berlin. Finally, the bill provides that money received from the casino would be used for the education trust fund. The fact that gambling revenues are shown to be highly volatile, and there is little or no ability to accurately predict revenues, it would be unwise and unfair to rely on gambling revenues for education tax relief. The State's commitment to education is set for the biennium. Uncertainty in how the state meets that obligation is bad public policy. Vote 9-6.

Rep. Howard C. Dickinson for the Minority of Ways and Means: HB 1404 is about economic opportunity. For decades the one-industry economy of Berlin has been declining. The population of Berlin has dropped from 25,000 to 10,000 while at the same time jobs at the paper and pulp mills has fallen from 9,000 in 1929 to 4,000 in 1958 to nearly zero today. This bill would provide Berlin and the North Country with an opportunity to create a world-class four-season resort including

a casino at Jericho Lake Park at no cost or risk to the state of New Hampshire. The state will supervise and control the gaming operations and benefit by receiving 20% of the revenue. With no other realistic economic solution on the horizon, Berlin needs a new, innovative, and job-producing initiative. This bill provides that opportunity for the people of Berlin. If this was any other industry, we would jump at the chance to support it.

Reps. Dickinson, Clemons, Guay and Gallus spoke against.

Reps. William Johnson and Reid spoke in favor.

Rep. Julie Brown requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 234 NAYS 102

### YEAS 234

#### BELKNAP

Flanders, Donald  
Millham, Alida

Holbrook, Robert  
Thomas, John

Johnson, William  
Wendelboe, Fran

Lawton, David  
Wood, Jane

#### CARROLL

Babson, David Jr  
Patten, Betsey  
Sullivan, P Judith

Bradley, Jeb  
Philbrick, Donald  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

#### CHESHIRE

Allen, Peter  
Edwards, Dana  
Liebl, George  
Richardson, Barbara

Batchelder, Robert  
Emerson, Susan  
Manning, Joseph

Burnham, Daniel  
Fairbanks, Chandler  
Mitchell, McKim

Dexter, Judson  
Hunt, John  
Pratt, Irene

#### COOS

Bradley, Paula  
Tholl, John Jr

Davis, Perley

Horton, Lynn

Stohl, Eric

#### GRAFTON

Akins, Ralph  
Benn, Bernard  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Sova, Charles

Alger, John  
Cobb, John  
Gabler, William  
Lovett, Sid  
Nordgren, Sharon  
Teschner, Douglass

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Marshall, Gene  
Pawlek, Marion

Barker, Robert  
Dudley, Terri  
Giuda, Robert  
Mirski, Paul  
Sokol, Hilda

#### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Bragdon, Peter  
Chabot, Robert  
Dionne, Kimberley  
Elliott, Larry  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Schulze, Joan  
Thulander, O Alan

Alukonis, David  
Bellavance, Paul  
Brundige, Robert  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Leach, Edward  
Martin, Mary Ellen  
Moran, Edward  
Peterson, Andrew  
Spiess, Paul  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Fletcher, Richard  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Jean, Claudette  
Leishman, Peter  
McHugh, Claire  
Movesian, Lori  
Reeves, Sandra  
Sullivan, Peter  
Wheeler, Robert

Balboni, Michael  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drisko, Richard  
Ford, Nancy  
Gleneck, David  
Graham, John  
Hall, Charles  
Jean, Loren  
Lynde, Harold  
Melcher, Harold  
O'Connell, Timothy  
Salts, Greg  
Tahir, Saghir  
White, Donald

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
French, Barbara  
Jacobson, Alf  
Leber, William  
Owen, Derek  
Swindlehurst, John  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kennedy, Richard  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Rodd, Beth  
Whalley, Michael

Clarke, Claire  
Fraser, Leo Jr  
Hess, David  
Langer, Ray  
Moore, Carol  
Soltani, Tony  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John Sr  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Marshall  
Shultis, Elizabeth  
Stritch, C Donald  
Whittier, John

Bishop, Franklin  
Case, Margaret  
Coes, Betsy  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dumaine, Dudley  
Gilbert, Jeffrey  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Morse, Charles  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Splaine, James  
Weatherspoon, Jacquelyne

Camm, Kevin  
Clark, Martha Fuller  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Palermo, Diane  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Welch, David

**STRAFFORD**

Albert, Russell  
Estabrook, Iris  
Johnson, Nancy  
Reid, Christopher  
Woods, Phyllis

Bickford, David  
Gilmore, Gary  
Kaen, Naida  
Smith, Marjorie

Cossette, Larry  
Grassie, Anne  
Lachance, Douglas  
Snyder, Clair

Dunlap, Patricia  
Heon, Richard  
Pelletier, Arthur  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Jones, Constance

Franklin, Peter  
Leone, Richard

Harris, Joseph  
Robb, Amy

Harris, Sandra  
Rodeschin, Beverly

**NAYS 102****BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen

Boyce, Laurie  
Rice, Thomas Jr

Czech, Stanley  
Rosen, Ralph

Dewhirst, Glenn  
Russell, David

**CARROLL**

Dickinson, Howard

**CHESHIRE**

Roberts, William

Smith, Edwin

Weed, Charles

Zerba, Roger

**COOS**

Gallus, John  
Rodrigue, Robert

Guay, Lawrence  
Rozek, Michael

Landers, Dana  
Woodward, David

Pratt, Leighton

**GRAFTON**

Ward, Brien

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Dionne, David

Balcom, John  
Cardin, Lori  
Cote, Peter  
Dwyer, Paul

Baroody, Benjamin  
Christensen, D L Chris  
Craig, James  
Eaton, Richard

Bruno, Pierre  
Clemons, Jane  
Desrosiers, William  
Fields, Dennis

Foster, Linda  
Kacavas, John  
LaFlamme, Paul  
McRae, Karen  
Panagopoulos, Nicholas  
White, John

Gorman, Mary  
Keye, Harvey  
Lasky, Bette  
Mercer, Robert  
Pepino, Leo  
Williams, Carol

Holden, Randolph  
Konys, Christine  
Lefebvre, Roland  
Milligan, Robert  
Sweeney, Cynthia

Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
Murphy, Robert  
Thompson, Rob

### MERRIMACK

Cummings, Raymond  
Perkins, Randy

Daneault, Gabriel  
Rush, Deanna

Greco, Vincent  
Seldin, Gloria

Hutchinson, John

### ROCKINGHAM

Belanger, Ronald  
DiFruscia, Anthony  
Holland, James Jr  
McKinney, Betsy  
Sapareto, Frank

Bowles, Raimond  
Giordano, Ronald  
Kane, Cecelia  
Micklon, Stephanie  
Weyler, Kenneth

Cooney, Richard  
Gleason, John  
Kelley, William  
Pantelakos, Laura

Corbin, Corey  
Hamel, Albert  
McGuire, Robert  
Saia, Pamela

### STRAFFORD

Berube, Roger  
Ferland, Paul  
Rollo, Michael  
Twombly, James

Brennan, William  
Hughes, Christopher  
Spang, Judith  
Woodill, Rodney

Brown, Julie  
McCarthy, Gerald  
Taylor, Kathleen

DeChane, Marlene  
Proulx, Raymond  
Tsiros, William

### SULLIVAN

Burling, Peter  
and the majority report was adopted.

Ferland, Brenda

Odell, Bob

Phinizy, James

Rep. McGuirk did not vote and wished to be recorded in favor.

### MOTION TO SPECIAL ORDER

Reps. Hess and Burling moved that all bills special ordered to the end of today's calendar be made Special Orders for the next session day at their regular place in the calendar.

**HB 1173**, relative to the identification and notification of putative fathers, **HB 1129**, relative to discriminatory practices by owners of public accommodations, **HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, **HB 1370**, relative to establishing a 6-year capital budget and **HR 21**, urging the development and implementation of a national missile defense system and all bills removed from today's Consent Calendar **HB 1139**, allowing the governor to enter into reciprocal international child support agreements, **HB 1303-FN**, prohibiting the wearing of certain facial coverings, **HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number, **HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport, **HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest, **SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

Rep. Herman spoke in favor.

Adopted.

### RESOLUTION

Reps. Hess and Burling offered the following:

RESOLVED, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1447 and 1448 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. (J. Bradley, Carr 8; Thomas, Belk 3; Gabler, Graf 8; Gilmore, Straf 11; Norelli, Rock 31; Johnson, Dist 3; Below, Dist 5; Burns, Dist 1; Gordon, Dist 2: Science, Technology and Energy)

**HB 1448-FN**, relative to the salaries of unclassified state officers. (Herman, Hills 13: Executive Departments and Administration)

### SUSPENSION OF RULES

Reps. Hess and Burling moved that Rules be so far suspended as to permit reporting after the January 24, 2002 deadline and consideration and referral to a second committee after the January 31, 2002 deadline for the following House Bills:

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. (Marshall Quandt, Rock 20; Langley, Rock 24; Spiess, Hills 14; Marshall, Graf 2; Keye, Hills 30; D'Allesandro, Dist 20; Flanders, Dist 7; O'Neil, Dist 18: Commerce)

**HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. (Wendelboe, Belk 2; Holbrook, Belk 7; J. Wood, Belk 7; D. Flanders, Belk 7; Dewhirst, Belk 7; Johnson, Dist 3; Gordon, Dist 2; Boyce, Dist 4: Public Works and Highways)

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. (Zerba, Ches 17; Major, Rock 16; Leone, Sull 2; Dokmo, Hills 14; M. Fraser, Merr 21: Municipal and County Government)

**HB 1448-FN**, relative to the salaries of unclassified state officers. (Herman, Hills 13: Executive Departments and Administration)

and for any House **LSRs** still in the possession of the Office of Legislative Services which will need referral to more than one committee,

and to allow referral to a second committee after the January 31, 2002 deadline for **SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 14, 2002 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases.

**HB 1246**, relative to the chairperson of the board of recount in school district recounts.

**HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program.

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee

**HB 1277**, increasing the optional veterans' property tax credit.

**HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission.

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack.

**HB 1164**, renaming Hill's Bridge in the town of Lee as the Captain Reuben Hill Bridge.

**HB 1256**, relative to Clark Pond Road in the town of Haverhill.

**HB 1120**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough.

**HB 1406**, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

**HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001.

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

**HB 1348**, clarifying the law regarding title-exempted vehicles.

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax.

**HB 589**, relative to eligibility for unemployment benefits for part-time workers.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 3:15 p.m.

### RECESS

(Rep. Calawa in the Chair)

### RESOLUTION

Rep. Packard offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2000 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 2000**, relative to the state 10-year transportation improvement program. (E. Smith, Ches 6: Public Works and Highways)

### RECESS

(Rep. Leber in the Chair)

### RESOLUTION

Rep. Cloutier offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1449 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. (Calawa, Hills 17; R. Cooney, Rock 26; Whalley, Merr 5; Francoeur, Dist 14; Johnson, Dist 3; D'Allesandro, Dist 20: Resources, Recreation and Development)

### RECESS

(Rep. Gilbert in the Chair)

### RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 34, 52, 301, 312, 317, 328, 347, 356 and 362 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 34**, relative to the process for nonrenewal of teacher contracts. (Education)

**SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training. (Commerce)

**SB 301**, relative to an innovation initiative within the division of economic development. (Science, Technology and Energy)

**SB 312**, relative to quarterly payment of estimated interest and dividends tax. (Ways and Means)

**SB 317**, establishing a committee to study boat registration fees and eradication of milfoil and other exotic weeds. (Resources, Recreation and Development)



**SB 328**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Transportation)

**SB 347**, establishing a study committee on public building access and the disabled. (Health, Human Services and Elderly Affairs)

**SB 356**, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith. (Resources, Recreation and Development)

**SB 362**, relative to the membership and duties of the New Hampshire film and television commission. (Commerce)

## RECESS

(Rep. Batula in the Chair)

### RESOLUTION

Rep. Mirski offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1450 through 1452 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1450**, authorizing the sweepstakes commission to allow multi-hall, linked bingo games. (L. Fraser, Merr 9; Belanger, Rock 26; Micklon, Rock 26: Ways and Means)

**HB 1451-FN-A**, implementing the Mobile Telecommunications Sourcing Act. (Alukonis, Hills 23; Major, Rock 16; D'Allesandro, Dist 20: Ways and Means)

**HB 1452-FN**, establishing the New Hampshire homeland defense service ribbon. (P. Sullivan, Hills 39; Norelli, Rock 31; Albert, Straf 17; Heon, Straf 14; Weyler, Rock 18; Barnes, Dist 17; Prescott, Dist 19; O'Neil, Dist 18; Below, Dist 5; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Batula in the Chair)

### RESOLUTION

Rep. Mirski offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1, 3, 306, 326, 352, 395 and 405 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 1**, apportioning state senate districts. (Election Law)

**SB 3**, apportioning congressional districts. (Election Law)

**SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Judiciary)

**SB 326**, establishing a committee to study the workers' compensation appeals process at the department of labor. (Labor, Industrial and Rehabilitative Services)

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk. (Education)

**SB 395**, making certain changes to the laws pertaining to special education. (Education)

**SB 405**, relative to special number plates for veterans. (Transportation)

## RECESS

(Rep. Leber in the Chair)

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1453 through 1455 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee. (Heon, Straf 14; Robertson, Rock 20; Clegg, Hills 23; Lessard, Hills 23; Barnes, Dist 17; Johnson, Dist 3; D'Allesandro, Dist 20: State-Federal Relations and Veterans Affairs)

**HB 1454-FN**, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system. (Weatherspoon, Rock 20; L. Johnson, Hills 40; L. Jean, Hills 17; Clegg, Hills 23; Lovett, Graf 6; Pitts, Rock 35: Criminal Justice and Public Safety)

**HB 1455-FN-L**, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets. (Cox, Rock 24; Langley, Rock 24; Cohen, Dist 24: Executive Departments and Administration)

**RECESS****(Rep. Scanlan in the Chair)****RESOLUTION**

Rep. Herman offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1456 through 1458 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1456-FN**, relative to information on drivers' licenses. (Clegg, Hills 23; Marshall Quandt, Rock 20; Weatherspoon, Rock 20; Matthew Quandt, Rock 20; Kurk, Hills 5; Francoeur, Dist 14; Eaton, Dist 10: Transportation)

**HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. (Clegg, Hills 23: Criminal Justice and Public Safety)

**HB 1458-FN-L**, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system. (Teschner, Graf 5; Cobb, Graf 5; Giuda, Graf 3; Tholl, Coos 5; Gordon, Dist 2; Burns, Dist 1; Johnson, Dist 3; Below, Dist 5: Executive Departments and Administration)

**RECESS****(Rep. Batula in the Chair)****RESOLUTION**

Rep. Langley offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1459 through 1463 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1459-FN-A**, making an appropriation to the Alan B. Shepard discovery center. (Gilmore, Straf 11; MacKay, Merr 24; P. Katsakiores, Rock 13; Zolla, Rock 13; Dowling, Rock 13; Fernald, Dist 11; O'Hearn, Dist 12: Public Works and Highways)

**HB 1460-FN**, relative to penalties for alcohol- and drug-related offenses. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety. (Clegg, Hills 23; Whalley, Merr 5; Konys, Hills 33; Francoeur, Dist 14; O'Neil, Dist 18; Eaton, Dist 10; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education. (Norelli, Rock 31; Leone, Sull 2; Spiess, Hills 14; M. Fuller Clark, Rock 36; Langley, Rock 24; Hollingworth, Dist 23; Johnson, Dist 3; Below, Dist 5; Gordon, Dist 2; Cohen, Dist 24: Ways and Means)

**HB 1463-FN**, relative to sole proprietors under the unemployment compensation law. (M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)

## RECESS

(Rep. Whalley in the Chair)

### RESOLUTION

Rep. Batula offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1464 and 1465 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1464-FN**, prohibiting human cloning in New Hampshire. (Souza, Hills 40; Boyce, Belk 5; Mirski, Graf 12; Gonzales, Hills 48; Albert, Straf 17; Roberge, Dist 9; Boyce, Dist 4; Barnes, Dist 17: Health, Human Services and Elderly Affairs)

**HB 1465**, extending the New Hampshire task force on deafness and hearing loss. (Wendelboe, Belk 2; Burnham, Ches 8: Health, Human Services and Elderly Affairs)

## RECESS

(Rep. Gilmore in the Chair)

### RESOLUTION

Rep. Norelli offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1466 and 1469 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1466-FN-L**, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster. (P. Bradley, Coos 6; Gallus, Coos 7; Below, Dist 5: Municipal and County Government)

**HB 1467-FN**, relative to the cost of vaccines. (Wendelboe, Belk 2; Taylor, Straf 11; Wheeler, Dist 21: Commerce)

**HB 1468-FN**, relative to prescription drugs and medicaid best practices. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)

**HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service. (Mock, Carr 3; Chandler, Carr 1; Burling, Sull 1; Kurk, Hills 5; Wall, Straf 9; Johnson, Dist 3: Executive Departments and Administration)

## RECESS

(Rep. Herman in the Chair)

### RESOLUTION

Rep. Thompson offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1470 and 1474 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees. (Avery, Ches 8; Keye, Hills 30; Tsiros, Straf 3; Fernald, Dist 11; Roberge, Dist 9: Executive Departments and Administration)

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. (Holden, Hills 7; Goley, Hills 37; DiFruscia, Rock 27; Burling, Sull 1; Prescott, Dist 19; D'Allesandro, Dist 20; Eaton, Dist 10: Public Works and Highways)

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. (Welch, Rock 18; Disnard, Dist 8: Criminal Justice and Public Safety)

**HB 1473-FN-A**, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility. (E. Smith, Ches 6; C. Bouchard, Merr 22; Graham, Hills 15; Morse, Rock 28; Larsen, Dist 15; Eaton, Dist 10: Public Works and Highways)

**HB 1474**, relative to creating county commissioner districts in Strafford county. (Gilmore, Straf 11; M. Smith, Straf 8; Tsiros, Straf 3; Hughes, Straf 14; Rep; Musler, Straf 6: Election Law)

#### RECESS

#### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 6

February 14, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, we ask Your blessing today upon the work of this honorable House. We especially give heartfelt thanks for the House staff who labor behind the scenes to further the work done here. We thank You for the faithful service of Karen Wadsworth, Roger Carroll, Lily Carson, Dianne Schuett, Nancy Cossette, Georgann Rea, Deborah Nielsen, Daniela Lyford, Patricia Thomas, Ann Fitzgerald, Joel Anderson, Pamela Smarling, Marie-Helene Bailinson, Nancy Levinus, Terence Pfaff, Susan Wood, Carol Dunning, Debra Stohrer, Lucy Harrison, Bill Simpson, Danielle Grant, Todd Quinn, Kathryn Cushman, Eileen Kelly, Charity Ross, Gail Alexander and Cindy O'Neil. May Your blessing rest upon them and upon their loved ones.

As always, we ask that Your protecting hand be with those who serve our state and country in the defense of our precious freedom. Amen.

Rep. Merton Dyer led the Pledge of Allegiance.

The National Anthem was sung by Katherine Pike, Miss New Hampshire.

### LEAVES OF ABSENCE

Reps. Arnold, Callaghan, DePecol, Edwards, Fesh, Flanagan, Landers, Royce and Snyder, the day, illness.

Reps. Bartlett, Bishop, Cox, Marilyn Fraser, Mears, Benjamin Moore, Musler, O'Keefe, Priestly, Marjorie Smith, Tahir, and Winter, the day, important business.

Reps. Paula Bradley and Tate, the day, illness in the family.

Rep. Daneault, the day, death in the family.

### INTRODUCTION OF GUESTS

George McHugh and Leo Briand, husband and brother of Rep. McHugh. Cathy Creed, Lynn and Jeff, guests of Rep. Burney. Former Representative Winston McCarty, guest of the Public Works and Highways Committee.

### COMMUNICATION

February 6, 2002

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack 14, Carol T. Burney, d, Concord (77 Village Street, Penacook) 03303

William M. Gardner, Secretary of State

### COMMUNICATION

February 11, 2002

Gene G. Chandler, Speaker of the House

Effective immediately, I resign my seat as a state representative from Hillsborough District 47. Thank you for your cooperation.

Judy Courchesne

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee after the January 31, 2002 deadline for the following bills:

**HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund.

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state.

**HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor.

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system.

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

Reps. Herman and Burling spoke in favor.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1428-FN-L**, relative to the formation of statewide cooperative purchasing agreements within school administrative units, removed by Rep. Petersen.

**HB 1354-FN**, licensing body art practitioners, removed by Rep. Mirski.

**HB 294-FN**, excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief, removed by Rep. Langley.

**HB 1202-FN**, reducing fees for municipal permits for registration of certain hybrid vehicles, removed by Rep. Corbin.

**HB 1355-FN-L**, relative to merging unincorporated places with abutting municipalities in Coos county, removed by Rep. Guay.

**SB 385**, relative to electric personal assistive mobility devices, removed by Rep. Mirski.  
Consent Calendar adopted.

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. **OUGHT TO PASS**

Rep. Claire B. McHugh for Children and Family Law: The Youth Development Service has a contract with the Department of Corrections that permits those detained to make outside calls to their family at a charge of \$1.40 at the outset, and then \$0.15 - \$0.20 per minute thereafter. Both departments then receive reimbursement for those phone calls totaling approximately 20%. Members believed the telephone calls could be done at considerably less money and more efficiently. The telephone system is antiquated and needs to be looked at and overhauled, and can be done at the same time as YDC hopefully puts in other amenities. Vote 17-0.

**HB 1115**, relative to the procedure for assignment of juvenile probation and parole officers. **REFER FOR INTERIM STUDY**

Rep. Anne C. Grassie for Children and Family Law: The committee voiced concern about the lack of information regarding the reasons precipitating this bill. The committee felt that a need for checks and balances between the Department of Health and Human Services and the courts could be explored by study. Vote 17-1.

**HB 1114**, establishing a committee to study the state's real estate leasing practices and requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Commerce: The sponsor requested that the bill be withdrawn. Vote 11-0.

**HB 1169**, relative to the termination of safe deposit box leases. **INEXPEDIENT TO LEGISLATE**  
Rep. Leo W. Fraser, Jr. for Commerce: The sponsor and co-sponsor both agree that this legislation is not necessary at this time. Vote 12-0.

**HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: Under this bill, the New Hampshire Department of Health and Human Services would be authorized to use the National Medical Support Notice. The bill would enable the New Hampshire Office of Child Support Services to use this new standardized medical support form when directing an employer to initiate health coverage for a worker's dependents. By adopting this form New Hampshire will be taking a significant step to reduce administrative complexity for in-state employers regardless of where in the state an order originates. Vote 12-0.

**HB 1211**, prohibiting insurers from discriminating against a person on the basis of the person holding elective office. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Commerce: This legislation has been before this committee in the past and although there is a current law that bars companies from discriminating because of lawful occupation, several insurance companies have refused to provide umbrella insurance to some elected officials, in particular state representatives and selectmen. Since there are many companies that do write umbrella policies for politicians, the committee felt this mandate was not necessary. Vote 11-0.

**HB 1217**, relative to payment of trust income. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to allow trustees of trusts the authority to convert to a Unitrust if such a conversion will enable the trustee to better carry out the purpose of the trust. Conversion to a Unitrust will allow the trustee to seek to maximize total return through appreciation of capital and/or earnings and distributions from capital. Creation of a Unitrust further defines the manner by which distributions from the trust are calculated. The committee strongly supports passage of this bill to bring the statute into conformity with current investment practices. Vote 12-0.

**HB 1223**, establishing a committee to study the model insurance rating laws. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: A study of New Hampshire's rating laws is long overdue. All persons who appeared at the public hearing testified in support of the bill. The Commerce Committee was unanimous in adopting the content of this legislation. Vote 12-0.

**HB 1238**, requiring seating accommodations in retail establishments. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: This bill would require any retail establishment to make seating available for the physically disabled and the elderly. While this is certainly a laudable goal, the bill lacks any specificity or definition as to amount, type, and location of such seating. Such a law would be virtually impossible to enforce, and no effective penalty or remedy is provided. While it is only common sense to provide such amenities, we cannot legislate good business practices. Vote 12-0.

**HB 1434**, lowering the minimum medical cost coverage for motor vehicle liability policies. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This is the same bill that was passed out of the House previously requiring the automobile insurance companies to offer \$1000 in medical payments insurance rather than the \$5000 which is the current law. The \$5000 requirement was enacted about three years ago. During the course of the ensuing period it became apparent that because of the premium costs associated with the increase in coverage a number of policy holders (especially the young people) could no longer afford their coverage and policies were being non-renewed at the request of the policy holder. Further, as a result of the new legislation, the auto policy was becoming primary over the health coverage; something that was not contemplated when the new limit was adopted. Vote 12-0.

**HB 1133**, relative to intrastate fresh pursuit. **OUGHT TO PASS**

Rep. Constance A. Jones for Criminal Justice and Public Safety: This bill simply updates RSA 614:8 Intrastate Fresh Pursuit and allows the law enforcement officer to bail the prisoner, if the offense is bailable, by a magistrate, or a bail commissioner, either where the offense was committed or where the prisoner was apprehended. Vote 18-0.

**HB 1189**, relative to the plea of guilty but insane. **REFER FOR INTERIM STUDY**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill proposes to change the plea of "not guilty by reason of insanity" to "guilty but insane" and requires a defendant who is found guilty but insane upon release from the Secure Psychiatric Unit (SPU) be required to serve 25% of the time remaining on their sentence, or 25% of the time remaining until the person is eligible for parole in the state prison. The current language of RSA 628:2, I which states that "a person who is insane at the time he acts is not criminally responsible for his conduct" has been law since prior to 1971. Changes were made in 1982 when the burden of proof became "preponderance of evidence" and in 1987 the burden was raised to clear and convincing evidence. It was not shown that any further changes are needed in New Hampshire but the committee would like to investigate the subject during the interim period. Vote 16-2.

**HB 1146**, relative to candidate qualifications for school district office. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The unanimous vote of the committee reflects the position that there should not be any further restrictions placed upon those New Hampshire residents who wish to serve their communities in local elected office. It is already very difficult to get good people to run for local office in many cases. Added barriers would make this situation worse. Vote 15-0.

**HB 1213**, relative to personal school records of pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill was related to one specific allegation of misuse of student records for political purposes which, if true, was probably in violation of existing law or policies. The language was extremely broad with many unintended consequences and testimony was inconclusive as to the need for new law. Vote 15-2.

**HB 1229-FN-A-L**, relative to funding of special education. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The bill provides for school districts to be liable for two-thirds of special education costs. These costs are currently funded under a series of complex formulas with the local school district, the state and the federal government sharing the costs. Specifying the obligations of one funding participant without integrating the funding from other sources creates many more problems than have been dealt with in the bill. Vote 17-0.

**HB 1424**, prohibiting the acceptance of certain funds within the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: While the bill intends to "protect academic freedom", the testimony received by the committee suggested that, in practice, the bill could limit, rather than protect, academic freedom. The language of the bill was extremely broad making effective enforcement very difficult. This bill, however well intended, would be likely to cause more problems than it cured. Vote 14-0.

**HB 419**, apportioning delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marc P. Pappas for Election Law: The special redistricting committee unanimously recommended the adoption of HB 419. The bill provides representation for every city and town in the state. Further, the assignment of delegates mirrors the representative seats throughout the state. Vote 14-0.

**Amendment (2042h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Delegates to State Party Conventions. RSA 662:6 is repealed and reenacted to read as follows:  
662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention as follows:

I. Belknap County

Alton	1
Barnstead	1
Belmont	2
Center Harbor	1
Gilford	2
Gilmanton	1
Laconia	5
Meredith	2
New Hampton	1
Sanbornton	1
Tilton	1

II. Carroll County

Albany	1
Bartlett	1
Brookfield	1
Chatham	1
Conway	3
Eaton	1
Effingham	1



Freedom	1
Hale's Location	1
Hart's Location	1
Jackson	1
Madison	1
Moultonborough	1
Ossipee	1
Sandwich	1
Tamworth	1
Tuftonboro	1
Wakefield	1
Wolfeboro	2

## III. Cheshire County

Alstead	1
Chesterfield	1
Dublin	1
Fitzwilliam	1
Gilsum	1
Harrisville	1
Hinsdale	1
Jaffrey	2
Keene	8
Marlborough	1
Marlow	1
Nelson	1
Richmond	1
Rindge	2
Roxbury	1
Stoddard	1
Sullivan	1
Surry	1
Swanzey	2
Troy	1
Walpole	1
Westmoreland	1
Winchester	1

## IV. Coos County

Atkinson & Gilmanton Academy Grant	0
Bean's Grant	0
Bean's Purchase	0
Berlin	3
Cambridge	0
Carroll	1
Chandler's Purchase	0
Clarksville	1
Colebrook	1
Columbia	1
Crawford's Purchase	0
Cutt's Grant	0
Dalton	1
Dix's Grant	0
Dixville	1
Dummer	1
Errol	1
Erving's Location	0
Gorham	1

Green's Grant	0
Hadley's Purchase	0
Jefferson	1
Kilkenny	0
Lancaster	1
Low & Burbank's Grant	0
Martin's Location	0
Milan	1
Millsfield	1
Northumberland	1
Odell	0
Pinkham's Grant	0
Pittsburg	1
Randolph	1
Sargent's Purchase	0
Second College Grant	0
Shelburne	1
Stark	1
Stewartstown	1
Stratford	1
Success	0
Thompson & Meserve's Purchase	0
Wentworth's Location	1
Whitefield	1

## V. Grafton County

Alexandria	1
Ashland	1
Bath	1
Benton	1
Bethlehem	1
Bridgewater	1
Bristol	1
Campton	1
Canaan	1
Dorchester	1
Easton	1
Ellsworth	1
Enfield	1
Franconia	1
Grafton	1
Groton	1
Hanover	4
Haverhill	1
Hebron	1
Holderness	1
Landaff	1
Lebanon	4
Lincoln	1
Lisbon	1
Littleton	2
Livermore	0
Lyman	1
Lyme	1
Monroe	1
Orange	1
Orford	1

Piermont	1
Plymouth	2
Rumney	1
Sugar Hill	1
Thornton	1
Warren	1
Waterville Valley	1
Wentworth	1
Woodstock	1

## VI. Hillsborough County

Amherst	3
Antrim	1
Bedford	6
Bennington	1
Brookline	1
Deering	1
Francestown	1
Goffstown	5
Greenfield	1
Greenville	1
Hancock	1
Hillsborough	2
Hollis	2
Hudson	7
Litchfield	2
Lyndeborough	1
Manchester	35
Mason	1
Merrimack	8
Milford	4
Mont Vernon	1
Nashua	28
New Boston	1
New Ipswich	1
Pelham	4
Peterborough	2
Sharon	1
Temple	1
Weare	2
Wilton	1
Windsor	1

## VII. Merrimack County

Allentown	2
Andover	1
Boscawen	1
Bow	2
Bradford	1
Canterbury	1
Chichester	1
Concord	13
Danbury	1
Dunbarton	1
Epsom	1
Franklin	3
Henniker	1
Hill	1

Hooksett	4
Hopkinton	2
Loudon	1
New London	1
Newbury	1
Northfield	1
Pembroke	2
Pittsfield	1
Salisbury	1
Sutton	1
Warner	1
Webster	1
Wilmot	1

## VIII. Rockingham County

Atkinson	2
Auburn	1
Brentwood	1
Candia	1
Chester	1
Danville	1
Deerfield	1
Derry	11
East Kingston	1
Epping	2
Exeter	5
Fremont	1
Greenland	1
Hampstead	2
Hampton	5
Hampton Falls	1
Kensington	1
Kingston	2
Londonderry	8
New Castle	1
Newfields	1
Newington	1
Newmarket	2
Newton	1
North Hampton	1
Northwood	1
Nottingham	1
Plaistow	2
Portsmouth	7
Raymond	3
Rye	2
Salem	9
Sandown	1
Seabrook	2
South Hampton	1
Stratham	1
Windham	3

## IX. Strafford County

Barrington	2
Dover	9
Durham	4
Farmington	2

Lee	1
Madbury	1
Middleton	1
Milton	1
New Durham	1
Rochester	9
Rollinsford	1
Somersworth	4
Strafford	1

## X. Sullivan County

Acworth	1
Charlestown	2
Claremont	4
Cornish	1
Croydon	1
Goshen	1
Grantham	1
Langdon	1
Lempster	1
Newport	2
Plainfield	1
Springfield	1
Sunapee	1
Unity	1
Washington	1

2 Effective Date. This act shall take effect upon its passage.

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. **OUGHT TO PASS**

Rep. James G. Phinizy for Environment and Agriculture: This legislation enables and authorizes the state veterinarian to treat wildlife for rabies in order to prevent or curtail an epidemic. Cornell University, State of Vermont, and Canada have offered to include New Hampshire at no cost to the state, in a "baiting" program. Without this legislation the state would not be able to participate. Vote 12-0.

**HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs. **OUGHT TO PASS**

Rep. Joan H. Schulze for Executive Departments and Administration: This bill allows part-time justices in the district courts and part time judges in the probate courts to join at their own expense the state employee group health and dental insurance programs. Other part-time state employees are purchasing these benefits at a prorated cost. Although there are currently fifty-four judges, only three probate court judges and seven district court judges expressed an interest in participating at this time. Other judges may request participation in the future. Testimony revealed this bill would entail no additional cost to the state. Vote 15-0.

**HB 1128-FN**, relative to the retirement system classification for the director of field services, department of corrections. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The position of director of field services, department of corrections, requires only occasional contact with prisoners and paroled personnel and as such does not qualify for group II status under the New Hampshire Retirement system classification. Vote 16-0.

**HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, requires any individual or firm engaged in the installation or servicing of portable fire extinguishers, fixed fire suppression systems, water sprinkler systems or fire alarm systems to be regulated by the state fire marshal. The fire marshal in consultation with the advisory committee shall adopt rules suitable for these regulations. Vote 16-0.

**Amendment (2415h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Sections; Fire Suppression System Regulation; Advisory Committee. Amend RSA 153 by inserting after section 5 the following new sections:

**153:5-a Fire Suppression System Regulation.**

I. The state fire marshal, in consultation with the advisory committee established in RSA 153:5-b, shall adopt rules pursuant to RSA 153:5, as the fire marshal deems suitable for the regulation of persons engaged in the inspection, installation, and servicing of fire suppression, fire extinguishing, and fire alarm systems in this state. Such rules may include the issuance of various types and classes of certificates, and any reasonable fee for such issuance, for the following:

(a) An individual or firm engaged in the business of servicing portable fire extinguishers or inspecting, installing and servicing fixed fire extinguishing systems.

(b) An employee of a firm engaged in the business of servicing portable fire extinguishers or inspecting, installing or servicing fixed fire extinguishing systems who services extinguishers or fixed systems.

(c) An individual or firm performing hydrostatic testing of fire extinguishers.

(d) An individual or firm engaged in the installation or servicing of water sprinkler systems.

(e) An individual or firm engaged in the installation or servicing of fire alarm systems.

**II. The provisions of this section shall not apply to the following:**

(a) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.

(b) The servicing by a firm of its own portable extinguishers or fixed systems by its own personnel specially trained for such servicing.

(c) Firms engaged in the selling at wholesale or retail of portable fire extinguishers but not engaged in the installation or recharging of them.

(d) Fire departments recharging portable fire extinguishers as a public service where no charge is made; provided, however, that the member of the fire department is trained in the proper filling and recharging of the fire extinguishers.

**153:5-b Advisory Committee on Fire Suppression System Regulation.** The state advisory board of fire control established in RSA 153:2 shall establish a committee to advise and assist the board and the state fire marshal on the rulemaking requirements and implementation of the certification of persons engaged in the inspection, installation, and servicing of fire suppression, fire extinguishing, and fire alarm systems in this state provided for in RSA 153:5-a. Notwithstanding RSA 21-G:11-a, the state advisory board of fire control shall appoint the members of the advisory committee, with the state fire marshal serving as an ex-officio member, as follows:

I. Two representatives of the sprinkler system industry.

II. Two representatives of the New Hampshire Plumbing and Mechanical Contractor's Association, nominated by the association.

III. Two representatives of the portable fire extinguisher industry.

IV. One person experienced in the design of fixed extinguishing systems.

V. One representative of the New Hampshire Association of Fire Chiefs, nominated by the association.

VI. One representative of the New Hampshire Fire Prevention Society, nominated by the society.

VII. One representative of the Alarm Installers Association, nominated by the association.

**2 Effective Date.** This act shall take effect January 1, 2003.

**AMENDED ANALYSIS**

This bill requires the state fire marshal to adopt rules for the certification of persons engaged in the servicing and installation of fire suppression systems in this state. The bill also establishes an advisory committee.

**HB 1237**, relative to a conflict of interest policy for persons having a substantial interest in grants awarded by or contracts with a state agency. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: The sponsor informed the committee that the bill, as drafted, did not meet her intention and would like the bill withdrawn. It is her intention to introduce future legislation to address the issue. Vote 14-0.

**HB 1271-FN**, relative to dental care insurance for state employees and retired state employees.  
**INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have provided dental care insurance to both in service state employees and their families and retired state employees and their spouses starting in FY 2003 at a cost to the state budget of \$4.3 million dollars. This amount would increase by an anticipated escalator of 5.0% per year. With the projected shortfall in education funding in FY2003 and the current reduced revenue stream, the committee felt that this was not the time to consider this additional benefit. Vote 14-2.

**HB 1310**, relative to the city of Manchester's contributory retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Theresa A. Drabinowicz for Executive Departments and Administration: The purpose of HB 1310 is to amend and restate, in its entirety, the law enacted June 14, 1973, as Chapter 218 of the laws of 1973, as amended by Chapter 24 of the laws of 1976, and by Chapter 103 of the laws of 1999, that established the City of Manchester Employees' Contributory Retirement System. The restatement of Chapter 218 is important for bringing the retirement plan document up to date for several reasons, but also to reflect the plan's qualification status under Internal Revenue Code Section 401(a). Qualification under Section 401(a) exempts the plan's asset earnings from being taxed. Any amendment or modification in Chapter 218 must be ratified by the voters of the city after the legislature has authorized the inclusion of the amendment as a referendum question on the city ballot. Vote 16-0.

**Amendment (2358h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Permanent Retirement System for Employees of the city of Manchester. 1973, 218 as amended by 1976, 24 and 1999, 103, is repealed and reenacted to read as follows:

218:1 Short Title. This act shall be known as the "Manchester Employees' Contributory Retirement System Act."

218:1-a Purpose of Act. The purpose of this act is to amend and restate in its entirety the June 14, 1973 law, known as chapter 218 of the laws of 1973 which established the Manchester employees' contributory retirement system providing retirement benefits to employees of the city of Manchester, New Hampshire, as amended in 1976 by chapter 24, and in 1999 by chapter 103.

218:2 Transfer Of Members, Retirement Fund, And Benefits. Except as provided herein, the passage of this act shall not terminate or modify the benefits accrued by existing members of the Manchester employees' contributory retirement system under 1973, 218 as amended by 1976, 24 and 1999, 103.

218:3 Internal Revenue Code Qualification. The retirement system established in this act is intended to create a tax-qualified governmental retirement plan under Sections 401(a) and 414(d) of the Code as amended.

218:4 Definitions. The following terms as used in this act shall have the following meanings unless a different meaning is plainly indicated by the context:

I. "Annualized Disability Earnings" means the earnings of the member for all weeks of service until the date of disability divided by the number of weeks of service, multiplied by 52.

II. "Beneficiary" means the person to whom the share of a deceased member's benefit is payable, subject to the provisions of section 19.

III. "Break in Service" means any period of time in which an employee is not credited with employment with the city.

IV. "Buyback interest" means the rate of interest determined from time to time by the retirement board compounded annually on the last day of the calendar year or to the date of payment by the member.

V. "City" means the city of Manchester, New Hampshire.

VI. "Code" means the Internal Revenue Code of 1986, as amended.

VII. "Disabled member" means a member who is receiving disability benefits under the provisions of section 15.

VIII. "Earnings" means the total salary or wages of a member for the member's employment with the city, including all grants and allowances for maintenance at such figures as may be determined by the retirement board. For members whose retirement date is after July 1, 1996, and

members who on July 1, 1996 and thereafter terminated city employment and elected to defer their benefits until their normal retirement date but had not yet reached their normal retirement date, earnings shall include unused sick time included in the member's salary or wages at the member's date of termination of city employment. For members whose retirement date is after December 1, 1997, and members who on December 1, 1997 and thereafter terminated city employment and elected to defer their benefits until their normal retirement date but had not yet reached their normal retirement date, earnings shall include unused vacation time included in the member's salary or wages at their date of termination of city employment.

IX. "Effective date" means January 1, 1974.

X. "Final average earnings" shall mean the greater of (a) the average annual earnings received by a member during the 3 highest calendar years during the ten years preceding the member's normal retirement date, date of actual retirement or date of termination of employment, or (b) the average annual earnings received by a member during the highest 36 consecutive calendar months during the 10 years preceding the member's normal retirement date, date of actual retirement or date of termination of employment. The 3 highest years or highest 36 consecutive months shall be selected by the member, it being the intent and purpose of this method of computing final average earnings to afford the highest benefits to the member. If a member has not worked 10 years at the time of the commencement of benefits, the benefit shall be based upon the earnings during the greater of the highest 36 consecutive months or the three highest calendar years. This section shall be effective for members whose retirement date is after January 1, 2003.

XI. "Member" means any employee of the city who becomes covered under the retirement system as described in this act.

XII. "Normal retirement benefit" means the retirement benefit as described in section 12 of the act.

XIII. "Normal retirement date" means the first day of the month coinciding with or next following a member's sixty-second birthday.

XIV. "Regular interest" means the interest at the rate determined from time to time by the retirement board compounded annually on the last day of the calendar year or to the date of payment in the case of a refund of contributions.

XV. "Retirement board" and "the board" means the board of trustees created under this act responsible for the administration of the Manchester employees' contributory retirement system and such other duties as set forth herein.

XVI. "Retirement date" means the date the payment of retirement benefits commences in accordance with section 12, paragraph II of this act.

XVII. "Retirement fund" means the trust established and funded for the payment of retirement benefits to city employees pursuant to this act.

XVIII. "Retirement system" means the plan for providing retirement benefits to city employees as established by this act.

XIX. "Service" means employment with the city until termination of employment.

XX. "Service buyback" means the purchase of service credit under the retirement system.

#### 218:5 Retirement Board Personnel and Powers.

I. Management of the retirement system shall be vested in the retirement board consisting of 7 members, composed as follows: the city finance director; a person appointed by the board of aldermen, 2 citizens of the city, one appointed by the mayor, one elected by the employee members, neither of whom shall be an officer or employee of the city or a member of any commission of the city; 2 members who are employees of the city, who are members of the retirement system and who shall be elected by the members. All members, including retired members and members with deferred benefits shall be permitted to vote in the elections for the board positions. Spouses of deceased members shall not be permitted to vote in the elections for the board positions. The mayor shall be an ex-officio member of the board who shall have a vote only to break a tie.

II. The finance director shall serve as a member of the retirement board during his or her term of office. The mayor shall serve as a member of the retirement board during his or her term of office. The member of the retirement board appointed by the board of aldermen shall serve a term of one year from the effective date of this act, provided his or her successors shall be appointed for 3-year terms and the term of office of each member shall continue until his or her successor is appointed and qualified. The citizen appointed by the mayor shall serve a term of 2 years from the effective date of this act, provided his or her successors shall be appointed for terms of 3 years and the term



of office of each such member of the board shall continue until his or her successor is appointed and qualified. The 2 members of the board who are employees of the city shall be elected for terms of one year and 2 years respectively from the effective date of this act, provided their respective successors shall be elected for 3-year terms and the term of each office of each such member of the board shall continue until his or her successor is appointed and qualified. The citizen member of the board elected by the employees shall be elected for a term of 3 years from the effective date of this act, provided that his or her successors shall be elected for 3-year terms and the term of office for such member of the board shall continue until his or her successor is elected and qualified. The members of the retirement board shall serve without compensation. Employees of the retirement system are prohibited from serving on the retirement board.

III. A majority of voting members of the retirement board (4 members) shall constitute a quorum for the transaction of retirement board business; however, the mayor, as an ex-officio non-voting member of the retirement board shall not be counted towards such quorum. Retirement board meetings cannot begin, nor can business be transacted, until the chairperson ascertains a quorum is present. For the purposes of a retirement board meeting, until a quorum is present, no debate or motion shall be in order except to recess to locate absent members of the board. All matters coming before any meeting of the retirement board or its committees shall be decided by a majority of those retirement board members present and entitled to vote, a quorum being ascertained. Proxies shall not be permitted for voting or for obtaining a quorum.

IV. In the event of a vacancy on the retirement board, such vacancy shall be filled in the same manner as the member to be succeeded was appointed or elected and for the remainder of the unexpired term. In no event shall any person remain a member of the retirement board if he or she is no longer a member of the body from which he or she was appointed or elected.

#### 218:6 Retirement Board Duties.

I. Contributions received by the retirement system pursuant to this act shall be deposited into the retirement fund. The finance director of the city shall be the treasurer of the retirement fund which shall be a trust. The retirement board shall be trustee of the retirement fund and shall have the obligation of a fiduciary of the retirement system and its members and beneficiaries. In the fulfillment of its duties and responsibilities hereunder, the retirement board shall act solely in the interests of the retirement system, the members and the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. As trustee, the retirement board shall hold legal title to all securities and assets of the retirement system and shall have full control and management of them with the power to invest and reinvest the same in accordance with the terms, conditions, limitations, and restrictions imposed by the general statutes of the state of New Hampshire governing the investment of trust funds. In addition to those powers, the retirement board, as trustee, shall also have the power:

(a) To collect and receive any and all monies and other property due and to give full discharge and acquittance therefor;

(b) To appoint advisory committees to aid the retirement board in its duties under this provision or to delegate to any corporate fiduciary or an insurance company within or without the state who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to affect decisions by or on behalf of the retirement system with the same legal effect as if performed by the retirement board;

(c) To authorize the payment of compensation to an agent for retirement fund management services;

(d) To settle or compromise any claims, debts or damages due or owing to or from the retirement system, and to commence or defend suits or legal proceedings whenever, in its judgment, any interest of the retirement system so requires employing suitable agents and counsel for this purpose and paying their reasonable expenses and compensation;

(e) To maintain records of receipts and disbursements and to pay benefits required under the retirement system to eligible members, or, in the event of their death, to their beneficiaries;

(f) To generally do all other things necessary and proper to carry out the purposes of this act.

II. The retirement board shall take all actions necessary for the proper administration of the retirement system, including operating an office in a location convenient and accessible to members, and hiring, dismissing and determining the compensation of employees. The retirement board

shall engage expert actuarial, auditing and other professional service providers when, in the judgment of the board, it is advisable. The retirement board shall submit an annual report and audited financial statements to the city board of mayor and aldermen.

III. The retirement board shall administer the retirement system in accordance with the act and shall have discretionary and final authority to determine all questions concerning eligibility and benefits, to interpret and construe all terms of the act, including any uncertain terms, and to resolve any disputes arising from, and all questions concerning, administration of the retirement system. Any determination made by the retirement board shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary or capricious. No action taken by the retirement board under this act shall be construed or relied upon as precedent for similar action under similar circumstances.

IV. The retirement board's duties shall also include the general administration of the retirement system, including, but not limited to, the following:

(a) To compute, determine and certify the amount and kind of benefits to which any member shall be entitled hereunder;

(b) To authorize and direct all disbursements;

(c) To maintain all necessary records for the administration of the retirement system;

(d) To interpret the provisions of the retirement system;

(e) To compute and certify to the city from time to time the sums of money necessary to be contributed to the retirement system;

(f) To assist any member regarding that member's rights, benefits, or elections available under the retirement system.

V. The retirement board shall produce a summary plan description, bylaws, and administrative rules which are not inconsistent with this act. The summary plan description shall be a summary of the administrative rules and important provisions of this act, and shall be distributed to new members. Upon any material amendment of the act or administrative rules a summary of the changes or, at the discretion of the retirement board, a new summary plan description shall be distributed to all members. The administrative rules shall explain the requirements of this act, including the time frames and procedures that members must follow in placing claims for retirement benefits. The bylaws shall provide rules to govern the meetings held by the retirement board and shall contain a policy to prevent apparent or actual conflicts of interest. The administrative rules and bylaws shall be available for review by members at the retirement system's office during normal business hours.

VI. In the event any claim, suit, or proceeding brought regarding the retirement system, to which any member of the retirement board or retirement system employees are made a party, is resolved in favor of the retirement system, board member, or retirement system employee, the board member or retirement system employee shall be entitled to be reimbursed from the retirement fund for any and all costs, attorney's fees, and other reasonable expenses pertaining to said claim, suit, or proceeding personally incurred by them.

VII. The retirement system shall indemnify the members of the retirement board and employees of the retirement system for liability it incurs in administering the retirement system and managing the retirement fund. The opinion of the retirement board's counsel shall be full and complete protection with respect to any action taken by the retirement board, or any member thereof, if taken in good faith and in accordance with such opinion. Provided, however, the retirement system shall not indemnify the retirement board or any members thereof, for fraud, willful or deliberate misconduct, or gross negligence.

VIII. The retirement board shall charge all administrative costs to the retirement fund. No city funds shall be appropriated for retirement system administrative costs. Such administrative costs include any expenses incident to administering the retirement system including, but not limited to, personnel expenses, rental and/or facility charges, office supplies and equipment, fees of accountants, actuaries, counsel, investment managers, and other professionals, specialists and their agents, as well as other costs of administering the retirement system.

218:7 Employees to Whom the Act Applies.

I. All full-time and permanent part-time employees of the city, including elected and appointed officials of the city, shall participate in the retirement system and receive benefits as provided by

the act. Participation in the retirement system shall be a condition of employment with the city. The following employees of the city shall not be eligible to participate in the retirement system:

- (a) Temporary employees;
- (b) Members of boards and commissions who are not part-time or full-time employees of the city;
- (c) Members of the fire and police departments who are eligible to participate in a state-administered retirement system; and
- (d) Persons who are eligible to participate in the New Hampshire retirement system.

II. Temporary employees of the city who become permanent employees without incurring a break in service are eligible to participate in the retirement system as of their original date of hire if they complete a service buyback.

III. Any eligible employee in the employment of the city on January 1, 1974, who elected not to participate shall only be admitted to the retirement system upon completion of an application for participation, majority consent of the retirement board, passing a prescribed physical examination, and completion of a service buyback.

218:8 Contributions by the City. The city shall appropriate annually to the retirement board the amounts required to fund the benefits set forth in the act as determined by the retirement board on the basis of an actuary's valuation, which shall be based on sound actuarial funding methods, assumptions and principles.

218:9 Contributions by Employees.

I. The rate of contributions by each member participating in the retirement system shall be 3.75 percent of that portion of earnings received during each calendar year or portion thereof.

II. The earnings of each member participating in the retirement system shall be reduced by the contribution rate set forth in this section. Such contribution shall be transmitted immediately to the retirement board.

218:10 Service Credit and Service Buybacks.

I. Service rendered for the full normal working time in a period of 12 consecutive months shall entitle a member to one year of service credit. Time spent as a member of any of the various city boards, or in any other capacity rendering incidental employment to the city, shall not be counted as service for the purposes of this act. Absence from employment on account of active duty with the armed forces of the United States in time of emergency or war, or as directed by selective service or to meet selective service requirements, or as a member of the national guard, or organized reserves, to meet its requirements, shall be counted as continuous employment with the city, provided, that the employee returns directly to active employment with the city within 90 days after he or she becomes eligible for release from such active duty. Any such period of absence shall not be counted as service unless the employee completes a service buyback.

II. Absence from employment on account of a leave of absence authorized by the city shall not be considered a termination of employment, provided that the employee returns to service with the city at the end of such leave of absence. Any such period of absence shall not be counted as service unless the employee completes a service buyback.

III. A member who ceases to be a member, withdraws his or her member contributions pursuant to section 11 of this act, and later becomes a member again, may make a request after the member's return to city employment for service buyback of prior service credit for the previous time served as a member. No benefits other than the right to withdraw member contributions pursuant to section 11 of this act shall accrue with respect to such previous period of service until the member shall have completed 5 years of continuous service in the current period of employment. If a service buyback is not made, the member's benefit shall be based solely on the member's years of service and final average earnings after the break in service.

IV. A member may also make a service buyback request to receive prior service credit for a period prior to becoming a member during which the member was employed by the city in a temporary position or out on worker's compensation, leave of absence, or engaged in CETA, model city program or any other capacity the retirement board determines should warrant service buyback. A service buyback for temporary service may only be made if the member became a permanent city employee without incurring a break in service. A service buyback is also available if, under the prior provisions of this act allowing employees to waive participation, an employee elected not to participate in the retirement system when hired and otherwise satisfies the requirements of section 7 of the act.

V. The retirement system shall enact rules for the administration of service buybacks. Buyback interest will be applied to the purchase of prior service credit. If a member does not purchase all available prior service credit, the service credit purchase must begin on the latest date of service available. Members are required to submit proof of employment in order to substantiate prior service.

VI. Upon a request for service buyback, the retirement board shall determine the cost of the requested service buyback, which amount shall include the contributions the member would have been required to make plus buyback interest, and provide a written statement to the member. The member shall pay all amounts related to the service buyback in one lump sum.

VII. Effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Code notwithstanding any provision of this chapter to the contrary.

218:11 Benefits Upon Termination of Employment Prior To Normal Retirement Date.

I. Any member whose employment is terminated prior to the completion of 5 years of service and who is not entitled to a disability retirement pension shall receive a refund of his or her contributions together with regular interest thereon to the date of payment. Such refund shall be in lieu of all other rights and benefits payable to the member under this act.

II. Any member whose employment is terminated prior to normal retirement date and after the completion of at least 5 years of service and who is not entitled to an early retirement pension or a disability retirement pension, and who does not elect to receive a cash refund of the member's contribution together with regular interest, will be entitled to receive, commencing on the normal retirement date, an annual pension computed in accordance with the provisions of section 12 of this act based on the member's total amount of service.

III. A member who is entitled to a deferred vested pension in accordance with the provisions of paragraph II of this section may, in lieu of all other rights and benefits under this plan, elect at any time prior to the member's retirement date to receive a cash refund of the member's contribution together with regular interest thereon to the date of payment.

218:12 Retirement Benefits.

I. Any member who either has attained the age of 62 years or having been in the service of the city on January 1, 1974, has completed at least 20 years of service, shall be eligible for a normal retirement benefit under the provisions of this act. Any such member may retire by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the date of filing thereof, the member desires to be retired, or the retirement board may, at its option, retire any such eligible member, furnishing written notice thereof at least 60 calendar days in advance of the specified date of such retirement.

II. The payment of retirement benefits to any member who is eligible to receive retirement benefits under any provision of this act, and who has filed all election forms with the retirement system, shall become effective the first day of the month following termination of employment pending approval by the retirement board. No changes to benefit elections are permitted after the commencement of the payment of benefits.

III. The retirement system shall not pay retirement or disability benefits to city employees who again become eligible to participate in the retirement system under the act. A member shall notify the retirement system of the member's rehire immediately. Upon rehire after a period of termination, all disbursements under the plan to that member shall cease and the member shall resume making contributions to the retirement fund as of the first pay period following the member's rehire. Rehired members shall have their benefits determined in accordance with section 13 of this act.

IV. Notwithstanding any provision of this act, the maximum pension payment payable to any member or beneficiary shall be limited to such extent as may be necessary to comply with the requirements of Sections 401(a)(16), 401(a)(17) and 415 of the Code. The retirement benefits payable hereunder shall be made in the form, at such time and otherwise in compliance with the distribution and rollover requirements of Sections 402(c), 401(a)(9) and 401(a)(31) of the Code.

V. Members who qualify for a normal retirement benefit shall receive an annual pension payable during the member's lifetime in an amount equal to the sum of:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999; plus

(b) Two percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed after December 31, 1998.

However, in the case of a member who both was in the employ of the city on January 1, 1974 and has completed not less than 20 years of service at the time of retirement, the annual pension payable during the member's lifetime shall be equal to the greater of the sum of the amounts determined in accordance with (a) and (b) of this paragraph, or 50 percent of final average earnings.

218:13 Restoration to Service Benefits.

I. If a formerly disabled member or any other member who has commenced receiving benefits from the retirement system again becomes eligible to participate, the member's benefits shall cease. The member shall resume making contributions to the retirement fund and the member shall become eligible to receive a normal retirement benefit determined in accordance with this section.

II. A member whose benefit is governed by this section shall receive a normal retirement benefit equal to the sum of (a) the benefit calculated based on years of service and final average earnings prior to the break in service and (b) the benefit calculated based on years of service and final average earnings after the break in service. If a member has less than 3 years of service after the break in service, the member's benefit after the break in service shall be based upon the earnings of the member for all weeks of service until the retirement date, divided by the number of weeks of service and multiplied by 52.

218:14 Early Retirement Option.

I. Each member whose age plus years of service equals or exceeds 80 may have the option, to be exercised by a written notice to the retirement board, to retire at any time thereafter, prior to the member's normal retirement date. The amount of retirement benefits payable to such retired member shall be computed as provided in section 12 of this act, except that the date of such early retirement shall be used in determining the member's service. If such retirement benefit is to commence prior to such member's normal retirement date, the retirement benefit shall be reduced in an amount determined by the actuary in accordance with accepted actuarial practice.

II. The contingent annuitant and 10-year certain options provided for in sections 17 and 18 of this act may be elected by a member who elects to retire early under this section, in which case the term "retirement date" shall be deemed to mean early retirement date wherever applicable in sections 17 and 18 of this act.

218:15 Disability Benefits and Their Payment.

I. Any member of the retirement system who, after 15 years of continuous service as an employee of the city, shall become totally and permanently disabled such that the member is incapable of performing the essential functions of his or her position prior to such disability, may be retired for disability according to the provisions of this act. The determination as to total and permanent disability shall be made by the retirement board upon review of an application for disability benefits submitted by the member and consultation with at least 2 impartial physicians selected by the retirement board who shall examine the member and submit written reports to the retirement board.

II. Members who retire for disability under this act shall be entitled to an annual disability benefit payable until the earlier of the termination of such disability or the member's death, computed on the basis of service completed prior to the date of disability in an amount equal to the sum of:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999; plus

(b) Two percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed after December 31, 1998.

The disabled member may also receive his or her disability benefit in the form of a contingent annuity as described in section 17.

III. If such total disability is shown, to the satisfaction of the retirement board, to have been sustained during the performance of duties pertaining to the member's employment by the city, the member shall be entitled to retirement for disability irrespective of the duration of employment. In order for a member to receive disability benefits under this section, the member shall submit an application for disability benefits within 60 days of termination of employment. However, any member receiving a disability benefit on account of total and permanent disability sustained during the performance of duties pertaining to employment by the city, as provided herein, shall receive a benefit equal to the greater of the sum of the amounts determined in accordance with (a) and (b)

of paragraph II, or 50 percent of final average earnings. If a member has less than 3 years of service at the time of becoming totally disabled in the performance of duties pertaining to the member's employment by the city, the member's pension shall be based upon the member's annualized disability earnings. The disabled member may also receive his or her disability benefit in the form of a contingent annuity as described in section 17.

IV. At least once each year following the retirement of a member with a disability retirement pension and prior to the member's normal retirement date, the retirement board may require such retiree to undergo a medical examination to be made by or under the direction of a physician or physicians designated by the retirement board. Should any disabled member refuse to submit to such medical examination in any such period of the member's disability retirement, the disability retirement pension shall be discontinued by the retirement board until the withdrawal of the refusal. If the refusal continues for one year, all the member's rights in and to a disability retirement pension shall be revoked by the retirement board. If, upon such medical examination, the physician or physicians certify to the retirement board that the disabled member is physically and mentally able and capable of resuming employment with the city, the member shall be restored to city employment in either the same position previously held or a position comparable in duties, responsibilities and compensation and the member's disability retirement pension shall be terminated. If the member, after being declared physically and mentally capable of resuming employment refuses an offer of employment by the city in the member's previous position or a comparable position, the member's disability benefit shall be terminated.

V. Each disabled member shall, until his or her normal retirement date, submit a report each year to the retirement board indicating earnings from employment. If the retirement board finds that any disabled member is engaged in any substantial gainful employment other than for the primary purpose of rehabilitation, the member's disability benefit shall be reduced if such gainful occupation pays more than the difference between the member's annual disability benefit and final average earnings, after making allowance for changes in the cost of living as approved by the board. The amount of reduction shall be equal to one dollar of benefits for each 2 dollars of employment earnings in excess of the difference between the member's final average earnings (after making allowance for changes in the cost of living) and the annual disability benefit. The board shall have the right to suspend payments of a permanent disability pension if the disabled person fails to report earned income. Such suspension shall be for the period during which there is no satisfactory report, with restoration of benefits upon acceptance of such report, or until the member's normal retirement date, whichever occurs first.

VI. A member's disability retirement benefit shall be reduced by any amounts which may be paid or payable to, or on behalf of, any member or retired member for the same disability under the provisions of any city funded workers' compensation or similar plan, except that any city employee who is receiving both disability retirement benefits and workers' compensation benefits as of January 1, 1986, shall not be affected.

#### 218:16 Benefits Upon Death of A Member.

I. In the event of a member's death prior to the member's retirement date and at a time when the member would otherwise have been eligible to begin receiving retirement benefits, retirement benefits shall be paid to the member's spouse for life, or, if there is no spouse, to the member's dependent children until every child dies or reaches his or her twenty-fifth birthday, as actuarially computed according to the member's length of service and the reduction in benefit payments computed for a 100 percent contingent annuitant option and for early retirement, if applicable. If the member dies without a spouse or children, the member's beneficiary shall receive a cash payment of the member's contributions together with regular interest thereon to the date of payment. If the member has not designated a beneficiary, the member's estate shall receive a cash payment of the member's contributions together with regular interest thereon to the date of the payment.

II. In the event of a member's death prior to the member's retirement date and at a time when the member would not have been eligible to begin receiving retirement benefits, the member's beneficiary shall receive a cash payment of the member's contributions together with regular interest thereon to the date of payment. If the member has not designated a beneficiary, the member's estate shall receive a cash payment of the member's contributions together with regular interest thereon to the date of the payment.

III. If a member dies after benefits have commenced but before the member receives benefits at least equal to his or her accumulated contributions as of the retirement date, the retirement board shall

pay the remaining contributions to the member's beneficiary. If there is no named beneficiary, the remaining contributions shall be paid to the member's estate. If a member has elected the contingent annuitant option and the member and the contingent annuitant both die before receiving benefits at least equal to the member's accumulated contributions as of the member's effective date of retirement, the retirement board shall pay the remaining contributions to the member's beneficiary. If there is no named beneficiary, the remaining contributions shall be paid to the estate of the member.

IV. In the event a benefit payment is to be made to a minor beneficiary, then such payment shall be made to the minor's legal guardian, or if none, to a parent of such minor or a responsible adult with whom the beneficiary resides, or to the custodian for such minor under the Uniform Gift to Minors Act or Gift to Minors Act, if such is permitted by the laws of the state in which the beneficiary resides. Such a payment to the legal guardian, custodian, responsible adult or parent of a minor beneficiary shall fully discharge the retirement board from further liability on account thereof.

**218:17 Contingent Annuitant Option.**

I. Instead of the normal form of monthly retirement benefit provided under section 12 of this act, a member may, prior to his or her retirement date, elect a contingent annuitant option providing, if the member does not die before his or her retirement date, for actuarially reduced monthly retirement benefits payable during his or her lifetime after retirement and for the continuance of such payments, or a part of them specified by the member, to such contingent annuitant for his or her life after the death of a retired member. Such election may be made by a member at any time prior to his or her retirement date and may not be changed after his or her retirement date. The death of the contingent annuitant at any time prior to the member's retirement date shall automatically revoke such election; and further provided that if the contingent annuitant is the spouse of the member, a divorce granted to either spouse at any time prior to the member's retirement date shall automatically revoke such election.

II. If a member who has elected this option dies before his or her retirement date, no benefits shall be payable to the contingent annuitant under this option. In such circumstances, benefits, if any, are to be paid in accordance with sections 11 and 16 of this act. If the member dies after his or her retirement date, the contingent annuitant shall receive for life, commencing on the first day of the calendar month coinciding with or next following the retired member's death, the benefits specified by the retired member for the contingent annuitant.

III. If the contingent annuitant dies before the member's retirement date, the monthly retirement benefit normally provided under this act shall be payable to the retired member as if the option had not been elected. If the contingent annuitant dies after the member's retirement date, the amount of the payments which the retired member is then receiving or is entitled to receive will at that time (with no provisions for retroactive payments) revert back to what it would have been at the member's retirement date if the option had not been elected and will cease upon the retired member's death.

IV. Instead of the normal form of disability benefit provided under section 15 of this act, a disabled member may, prior to the start of disability benefits, elect a contingent annuitant option providing for actuarially reduced monthly disability benefits payable during his or her lifetime and for the continuance of such payments, or a part of them as specified by the disabled member, to such contingent annuitant for his or her life after the death of the disabled member.

V. Once the contingent annuitant option has been elected by a disabled member, it may not be changed or revoked except in the case of death of the contingent annuitant. If the contingent annuitant dies after the disabled member has started receiving disability benefits, the amount of the payments which the disabled member is then receiving or is entitled to receive shall at that time with no provisions for retroactive payments revert back to what it would have been at start of the payment of disability benefits if the option had not been chosen and will cease upon the disabled member's death.

**218:18 Ten-Year Certain Option.** Instead of the normal form of monthly retirement benefit provided under section 12 of this act, a member may elect an actuarially reduced monthly retirement benefit payable for 10 years certain and life thereafter. Such election may be made by a member at any time prior to his or her retirement date and may not be changed after his or her retirement date. under this option, 120 monthly payments will be made regardless of how long the member lives. If a member dies after his or her retirement date, but before 120 monthly payments have been made, the balance of the 120 monthly payments shall be made to the member's beneficiary. If the beneficiary, having survived the retired member, dies before all of said 120 payments have been made, then the commuted value of the balance of said payments shall be paid in a lump sum to the

beneficiary's estate. If the member dies before his or her retirement date, no benefits shall be payable under this option. If the member survives beyond the 120 month guaranteed payment period, actuarially reduced monthly retirement benefits shall continue until the death of the member at which point the benefit payments shall cease.

218:19 Designation of Beneficiaries. A member may, prior to his or her retirement date, designate a beneficiary or beneficiaries to receive any benefits, other than the annuity death benefit payable under section 16, paragraph I, payable on or after the member's death. The member shall designate his or her beneficiaries on a form satisfactory to the retirement board. The board shall be entitled to rely on a form that is witnessed by a board representative or a notary public and delivered to a retirement board representative. A member may at any time revoke his or her beneficiary designation or change his or her beneficiaries by completing a new form in accordance with the requirements of this section. The retirement board shall be entitled to rely on such designation for purposes of the payments of benefits under this act. In the event no valid designation of beneficiary exists at the time of the member's death, or all beneficiaries shall predecease the member, any benefits shall be payable to the member's estate.

218:20 Adjustments in Benefits for Retirees to Maintain Financial Parity. In order to maintain the economic value of a member's retirement income on a parity with the value of the monthly payments at the time of retirement, and to offset the impact of inflation in reducing the real income of the member's retirement payment, the retirement board may, as deemed necessary, adjust the payments to retirees to maintain their incomes at an approximate level with their real incomes at the time of retirement, provided, however, that payments to retired members shall not be less than the payment to which they were initially entitled at the time of retirement; provided further that sufficient funds are available to fund any additional benefits either through earnings of the retirement fund or through such special appropriation by the city as may be approved by the board of mayor and aldermen.

218:21 Limitations of Action. No action for amount due under the provisions of this act shall be brought by a member but within 3 years after the right of action accrues. Persons legally incapable of bringing an action when the right accrues may sue at any time within 3 years next after becoming legally capable of instituting suit. All amounts not claimed within said period shall remain a part of the retirement fund.

218:22 Exemptions from Taxation. The right of any person to a pension or to the return of contributions, any benefit or right accrued or accruing to any person under the provisions of this act, and the cash and securities held under this act, shall be exempt from any state or municipal tax, and exempt from levy and sale garnishment, attachment or any other process and shall be unassailable.

218:23 Exclusive Benefit of Members and Beneficiaries. All contributions made by the city to the retirement system shall be for the exclusive purpose of providing benefits to the retirement system members and their beneficiaries, and no part of the assets of the retirement system shall revert to the city or other contributors, except if a contribution is made to the retirement system by the city under mistake of fact, such contribution shall be returned within one year after its payment and in the event of the termination of the retirement system, excess funds shall be returned to the city as provided in section 27 of this act.

218:24 Water Department Contributions and Employees' Eligibility. The employees and officials of the water department of the city shall be entitled to the benefits of, and subject to, the requirements of this act. The water department shall pay to the retirement fund annually such amounts as the retirement board determines to be necessary in accordance with sound actuarial principles, to defray the city share of the cost of pensions to which its employees and officials are or may be eligible hereunder.

218:25 Employees Previously Retired. All employees who are retired on January 1, 1974, shall continue to receive the benefits to which they were previously entitled under the provisions of the various enabling acts concerning pensions for employees of the city prior to the passage of this act. The board of mayor and aldermen of the city is authorized to appropriate this amount in the municipal budget on a yearly basis.

218:26 Review Of Retirement Board Orders.

1. Any member aggrieved by a decision of the retirement board denying the benefits provided by this act may request a hearing by filing a written petition no later than 45 days after the date of the decision. The petition shall include the name and address of the member, the denial of benefits



being contested, legal basis on which the denial is being contested, and any documentation or exhibits which support the member's position. The retirement board shall grant or deny the hearing request within 14 days of the member's request. The rules and procedures for all hearings shall be set forth in the administrative rules.

II. All decisions of the retirement board following any hearing shall be sent to the petitioning member by certified mail, return receipt requested, within 45 days of the hearing. Any decision adverse to the member shall be made in writing and shall enumerate the findings of fact and conclusions of law upon which the decision is based. Any decision in favor of the member shall be transmitted to the employee in writing, but may be in summary form.

III. The procedure for review, rehearing and appeal of an order or decision of the retirement board with or without a hearing shall be that prescribed by RSA 541, as amended from time to time. 218:27 Termination or Merger of the Retirement System.

I. In the event of the merger or consolidation of the retirement system with, or the transfer of assets or liabilities to, another retirement plan qualified under Section 401(a) of the Code, each member shall be entitled to receive a benefit, upon termination of such other retirement plan after such merger, consolidation or transfer, which is at least equal to the benefit which the member would have been entitled to receive immediately before the merger, consolidation or transfer if the retirement system had been terminated at that time.

II. In the event of the discontinuance of the retirement system, or the complete discontinuance of contributions by the city, an actuarial study shall be made to determine the amount of reserve funds necessary to continue to fund those retirements then in effect, and such funds shall be reserved for that purpose, and any excess funds shall be returned to the city. members shall be vested as provided in accordance with the applicable provisions of Sections 411(e)(2) and 401(a)(7) of the Code notwithstanding any provision of this act to the contrary.

2 Referendum. At the election to be held in the city in November, 2002, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, some operating changes are needed. Are you in favor of the passage of an act of the General Court of 2002, amending the contributory pension system for employees of the City, based on Retirement Board and actuarial experience with the plan since January 1974?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the remaining provisions of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective on the date of the election.

**HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: After extensive review by a subcommittee, it was found that there were a few elements that could be covered by a bill in the next session of the legislature. The concern was a 28-a issue that might be involved if costs to a municipality were incurred. Perhaps next year the legislature could fashion an approach to certify bathing facilities, operators and installers. It would be advantageous to develop a training program for facility operators. Vote 15-0.

**HB 768-FN**, relative to DNA testing of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert L. Wheeler for Finance: The committee supports retaining the testing policy and deferring the fiscal impact until the next biennial budget. The commission could be established, people on probation or parole could be included, and less intrusive procedures could be utilized, but the actual expansion of testing and the corresponding costs would be deferred until the next budget Vote 18-1.

**Amendment (2386h)**

Amend RSA 651-C:7 as inserted by section 1 of the bill by replacing it with the following:  
651-C:7 Applicability.

I. The provisions of this chapter shall apply to those persons convicted of a violent crime, as defined in RSA 651-C:1, IX, on or after July 1, 2003, and to persons incarcerated in a state or county correctional facility, or on probation or parole, for a violent crime as defined in RSA 651-C:1, IX, on or after July 1, 2003.

II. The provisions of this chapter shall apply to those persons convicted of a sexual offense, as defined in RSA 651-C:1, VIII, on or after August 2, 1996, and to persons incarcerated in a state or county correctional facility for a sexual offense as defined in RSA 651-C:1, VIII, on or after August 2, 1996.

**HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly T. Rodeschin for Finance: The committee feels this bill can be better addressed by the statutory Joint Health and Human Services Oversight Committee. A letter from Finance will be sent to the Joint Committee requesting it address the issues raised by this bill Vote 18-0.

**HB 1192**, relative to the use of enrollment by residence data in the calculation of adequate education grants. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill provides for the use of enrollment by residence statistics from the immediately preceding school year to make financial adjustments to the adequate education grant disbursements made to school districts in the following school year.

The sponsor has correctly identified a problem in the current system that distributes adequacy grants based on what had been the average daily membership in residence three years earlier. The solution proposed would require the use of substitute figures that had the advantage of being more timely, but would require subsequent correction. The committee believed that such a practice would make it much more difficult for school districts to plan and that this solution was no improvement over the current situation, which at least had the advantage of predictability Vote 17-1.

**HB 1264-FN-L**, returning all municipal fines to the municipality. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill started out as an effort to send more fine money back to cities and towns at the expense of state revenue. However, the Committee rejected this concept and amended the bill to do a bit of legislative housekeeping. The authority for plea by mail had been inadvertently repealed and is by this bill re-instituted Vote 20-0.

#### **Amendment (2326h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to district courts and pleas by mail.

Amend the bill by replacing all after the enacting clause with the following:

1 Pleas by Mail; Procedure. The introductory paragraph of RSA 502-A:19-b is repealed and reenacted to read as follows:

In any case in which a defendant may, pursuant to RSA 149-M:17, II, RSA 206:34, RSA 262:44, or RSA 270:11-a, enter a plea by mail in a district or municipal court, the following procedure shall be followed:

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill adds a reference to RSA 502-A:19-b, making the introductory paragraph of the plea by mail procedure the same for computerized courts and non-computerized courts.

**HB 1272-FN-A-L**, establishing a statewide special education funding pool. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: This bill was intended to reduce special education costs in school districts throughout the state. The bill, however, is problematic in that it repeals Catastrophic Aid, could present 28-a issues, and could be interpreted as a \$100 per student head tax. After further examination of the funding mechanism, the committee concluded that, even if CAT Aid were still included, the revenue would not be sufficient to accomplish the sponsor's intent Vote 17-0.

**HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that it was appropriate to require reporting on dedicated funds, sunset these funds if there is no activity or reason to continue, return funds

to the general fund where allowed, and list these funds all in one place in statute. However, the Committee endorsed the approach that required reporting in the off-budget year to the Policy Committee. Vote 19-0.

### **Amendment (2434h)**

Amend the bill by replacing all after section 2 with the following:

3 New Sections; State Treasurer and State Accounts; Trust and Agency Funds; Custodial and Escrow Accounts; Reporting Requirements for Dedicated Funds. Amend RSA 6 by inserting after section 12-b the following new sections:

6:12-c Trust and Agency Funds. All funds received or held by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with the terms and conditions of the referenced trust or account:

- I. The Caroline A. Fox fund of the department of resources and economic development.
- II. The Japanese charitable fund of the state treasurer.
- III. The rural rehabilitation corporation account of the state treasurer.
- IV. The Matthew Elliot memorial trust fund of the division of juvenile justice services, department of health and human services.
- V. The New Hampshire veteran's home benefit fund of the New Hampshire veterans' home.
- VI. The Sam Whidden trust of the state university system.
- VII. The Harriet Huntress trust of the department of education.
- VIII. The Hattie Livesey trust of the department of education.
- IX. The H. James Tyler scholarship fund of the regional community-technical college system.
- X. The New Hampshire regional community college combined scholarship fund of the regional community-technical college system.
- XI. The Snyder scholarship fund of the regional community-technical college system.
- XII. The Laconia state school account.
- XIII. The New Hampshire hospital account.

6:12-d Custodial and Escrow Accounts. All funds received or held by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with the terms and conditions of the referenced account:

- I. The Celtech escrow account of the Pease development authority.
- II. The financial responsibility account of the department of safety.
- III. The road toll bonds account of the department of safety.
- IV. The special fund for active cases account of the department of labor.
- V. The special fund for second injuries account of the department of labor.
- VI. The New Hampshire business development corporation account of the department of resources and economic development.
- VII. The deferred compensation contributions escrow account of the state treasurer.
- VIII. The dissolution of corporation account of the state treasurer.
- IX. The foreign escheated estates account of the state treasurer.
- X. The savings bond escrow account of the state treasurer.
- XI. The unclaimed and abandoned property account of the state treasurer.
- XII. The Guy Thompson account of the New Hampshire veterans' home.
- XIII. The veteran's home members administrative account of the veteran's home.
- XIV. The water resources council accounts of the department of environmental services.
- XV. The Deloitte and Touche escrow account of the commissioner of the department of health and human services.

6:12-e Reporting Requirements for Dedicated Funds.

I. The administrator of each fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d shall complete and file a biennial report with the state treasurer on or before January 15, 2004, and every other year thereafter. The treasurer shall forward the reports to the relevant legislative policy committees of the house and senate as indicated on said reports by the administrator of each fund, account or trust. Each biennial report shall include, but not be limited to:

(a) Activities the fund, account, or trust is required or intended to carry out, and an identification of all revenues available to said fund, account, or trust.

(b) The amount of revenue deposited into the fund, account, or trust, and the amount expended from said fund, account, or trust during the prior 2 fiscal years.

(c) The balance of the fund, account, or trust at the close of the prior 2 fiscal years.

II. The administrator of each fund, account, or trust may file, in lieu of the biennial report, a current report that was prepared by the administrator for other purposes provided that the report contains the information required in paragraph I.

III. The state treasurer shall provide written notice of the reporting requirements in paragraphs I and II of this section to any fund administrator who fails to file a report within 30 days of the report's due date. The treasurer may grant, pursuant to the notice, up to a 5-month grace period for the fund administrator to comply with the provisions of paragraphs I and II of this section, after which time, if the report has not been filed, any moneys in the dedicated fund, account, or trust shall lapse to the general fund, unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

6:12-f Inclusion of all Dedicated Funds, Accounts or Trusts.

I. Any dedicated fund, account, or trust that is to be maintained separately from the general fund shall be included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

II. Beginning on February 15, 2003, and every other year thereafter, it shall be the responsibility of the state treasurer, in consultation with the commissioner of administrative services and any other relevant department to submit a report of funds, accounts, or trusts not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d to the speaker of the house for introduction in the next legislative session in order to include said funds, accounts, or trusts in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

III. Notwithstanding any other provision of law to the contrary, any fund, account, or trust contained in the report by the treasurer pursuant to paragraph II of this section that is not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d within one year from the date of said report shall lapse to the general fund unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

6:12-g Repeal of Inactive Dedicated Funds.

I. Beginning on February 15, 2003, and every other year thereafter, the state treasurer, in consultation with the commissioner of administrative services and any other relevant department, shall determine any fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d which has been inactive for a period of at least 3 years. For purposes of this section, inactive shall mean those funds, accounts, or trusts in which no revenue has been deposited, excluding interest earnings, and from which no funds have been expended or encumbered. The state treasurer shall provide notice of their determination to the relevant legislative policy committee of the house and senate, and the administrators of said inactive funds, accounts, or trusts.

II. Any inactive funds, accounts, or trusts, as determined by the treasurer pursuant to paragraph I of this section, shall be repealed, and any balance remaining shall lapse to the general fund within one year of the date of determination by the treasurer under paragraph I unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

III. Upon notification under paragraph I of this section, said administrators may appeal to the relevant legislative policy committee of the house and senate, and said committee may recommend legislation for introduction in the next legislative session to waive the provisions of paragraph II of this section for any funds, accounts, or trusts.

4 Boating and Water Safety on New Hampshire Public Waters; Boaters Guide. Amend RSA 270-D:2-a to read as follows:

270-D:2-a Boaters Guide. The department of safety, division of safety services, shall publish the New Hampshire Boaters guide~~[-and the director may charge a fee to recover the cost of publication].~~

5 Repeal. The following are repealed:

I. RSA 227-C:23, relative to New Hampshire heritage trust fund.

II. RSA 270-D:2-b and RSA 6:12, I (nnn), relative to New Hampshire boaters guide revolving fund.

III. RSA 310-A:34, relative to the architects' fund.

IV. RSA 6:16, relative to forestry funds.

V. RSA 19-D:4 and RSA 19-D:6, relative to the New Hampshire industrial heritage park fund.

VI. RSA 187-A:37, relative to the inventors assistance program fund.

VII. RSA 107-A:1-3, relative to the civil defense adult education program.

VIII. RSA 200-C:17, relative to the disabled persons' employment fund.

IX. RSA 318:7, relative to the pharmacy fund.

X. RSA 172:14, relative to the substance abuse treatment fund.

XI. RSA 6:12, I(q), relative to the boiler and elevator inspection fund.

XII. RSA 6:12, I(f)(2), relative to certain motor vehicle registration funds.

XIII. RSA 6:12, I(mm), relative to the supplementary motor vehicle fund.

6 Effective Date. This act shall take effect July 1, 2002.

**SB 64-FN-A, establishing a fund to pay mediators in the probate courts. OUGHT TO PASS WITH AMENDMENT**

Rep. Maryann N. Blanchard for Finance: The Finance Committee supports both policy committee recommendations on the merits of this bill. The Committee amendment makes several changes including change of effective date to 60 days after passage; a sunset provision for June 30, 2007; and an annual reporting requirement beginning September 1, 2003. Vote 16-0.

**Amendment (2396h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Special Fund; Probate Court Mediation Fund. Amend RSA 6:12, I by inserting after subparagraph (iiii) the following new subparagraph:

(jjjj) Moneys received under RSA 490:27, II, which shall be deposited in the probate court mediation fund.

2 Probate Court Mediation Fund. Amend RSA 490:27 to read as follows:

490:27 Probate Court Fees.

I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the register for the benefit of the state.

*II.(a) There is established in the office of the state treasurer a separate fund to be known as the probate court mediation fund. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in the fund for paid mediation in the probate courts. Costs of probate court mediators may be paid from this fund, provided that:*

*(1) Participation in the mediation sessions is not mandated by the court; and*

*(2) Mediation reports shall not be released to any judge or other officer of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation.*

*(b) Moneys in the fund shall be nonlapsing and continually appropriated to the probate court and used to pay probate court mediators subject to the conditions under subparagraph (a) and as recommended and approved by the administrative justice of the probate court.*

*(c) The administrative judge of the probate courts shall make an annual report to the house judiciary committee and the house finance committee on the activity of the probate court mediation fund during the prior fiscal year on or before September 1 of each year beginning with September 1, 2003.*

3 Probate Court Mediation Fund. RSA 490:27 is repealed and reenacted to read as follows:

490:27 Probate Court Fees. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the register for the benefit of the state.

4 Contingency. If HB 1364-FN of the 2002 legislative session becomes law, RSA 490:27, II(c) as inserted by section 2 of this act shall not take effect. If HB 1364-FN does not become law, RSA 490:27, II(c) as inserted by section 2 of this act shall take effect 60 days after passage of this act.

5 Effective Date.

I. Section 3 of this act shall take effect June 30, 2007.

II. RSA 490:27, II(c) as inserted by section 2 of this act shall take effect as provided in section 4 of this act.

III. Section 4 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a probate court mediation fund, which is continually appropriated to the probate court for payment of mediators. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in this fund. This bill also prevents court-ordered mediation.

The fund is repealed on June 30, 2007.

**HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a committee to study long term home and community support systems for the elderly and adults with disabilities. The committee will evaluate the range of services proposed and implemented under SB 409 (as recorded in chapter law 1998, 388) as a New Hampshire long term care system. The purpose is to explore a policy of continuum of care appropriate to the needs of the elderly and disabled and affordable to the state. Vote 16-0.

#### **Amendment (2441h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities. The committee shall evaluate the progress of 1998, 388 (SB 409) in establishing an infrastructure for the development of home and community-based long term supports, based on the needs and desires of consumers of these services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study:

I. The progress made in implementing the goals of 1998, 388.

II. The barriers to creating home and community-based long term supports for the elderly and adults with disabilities.

III. The needs and preferences of consumers with regard to long term support.

IV. The options for legislation to re-enact the goals of 1998, 388.

#### **AMENDED ANALYSIS**

This bill establishes a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

**HB 1219**, establishing a committee to study ways to implement the principles of state health care reform. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill is premature. Annually the Commissioner of Health and Human Services and the Governor develop a number of priorities in the general field of health. This bill would have reviewed those principles first adopted in 1993 and revised many times since then. The current decisions regarding health priorities appear not to have been finalized. Therefore, those concerned with health planning will continue to utilize the many useful findings from previous and current study committees. Vote 19-0.

**HB 1117**, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The goal of this bill is to establish a committee to study the effects of adverse possession. The committee felt that the legal subject of adverse possession is extremely complex and if it is to be studied, the study should not take place in the second year of a legislative session. Vote 19-0.

**HB 1127**, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: As a result of the public hearing, the sponsor, the administrative head of the probate court and representatives from the nursing home were able to come to an agreement as to timely filings of affidavits for the disposition of nursing home patient accounts. Because of this communication and the fact that all parties are in agreement, the sponsor has concluded that the bill is not necessary and has requested that the bill be found inexpedient to legislate. Vote 16-0.

**HB 1175**, relative to proclaiming oneself a New Hampshire native. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill defines a New Hampshire "native" as anyone born in this state plus those born out of state in five different circumstances. These are when the mother was a New Hampshire resident but gave birth out of state because (1) that is where the nearest hospital was located; (2) she was traveling out of state; (3) she or the father were in military service; (4) she was temporarily employed out of state; or, (5) she was a student out of state. While solving no catastrophic problems, the bill would allow many people who have lived in New Hampshire most or all of their lives to claim "native" status despite temporary circumstances which had them breathe their first breath out of state. Vote 13-3.

#### **Amendment (2291h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Emblems, Flag, Etc.; New Hampshire Native. Amend RSA 3 by inserting after section 22 the following new section:

3:23 New Hampshire Native.

I. A person may call himself or herself a native of New Hampshire either if such person was born in New Hampshire or if the person was not born in New Hampshire under any of the following circumstances:

(a) The parents resided in New Hampshire but the nearest or chosen location for the birth was out of state;

(b) The birth occurred unexpectedly while the mother, although a New Hampshire resident, was traveling or visiting out of state;

(c) The birth occurred while the mother, although a New Hampshire resident, was out of state because one or both parents were in the armed services or in United States government service;

(d) The birth occurred while the mother, although a New Hampshire resident, was out of state because one or both parents were engaged in temporary employment out of state; or

(e) The birth occurred while the mother, although a New Hampshire resident, was a student in another state.

II. Nothing in this section shall affect official records.

III. No person who in good faith proclaims himself or herself to be a native of New Hampshire pursuant to this section shall be charged with perjury.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **HB 1253, relative to possessory actions against tenants. INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill was originally intended to limit or eliminate agreements between landlords and tenants which were the result of fraud or misrepresentation. The majority of the committee was of the opinion that this bill does not accomplish those ends. The issue should perhaps be further studied and addressed by future legislation. Vote 17-2.

#### **HB 1338, clarifying that the judicial council is responsible for payment of indigent defense expenses. OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill came about as the result of a recommendation from a legislative audit which urged legislation specifying that the judicial council shall pay the expenses incurred by defense counsel for indigents. At the present time that responsibility, by legislation, is given to the commissioner of administrative services who, for many years, has subcontracted it out to the judicial council. Vote 15-3.

#### **HB 1390, relative to quality assurance information. OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill is a means of correcting an imbalance that has developed between a patient's right to his or her medical records and the need for confidentiality of the proceedings of hospital quality assurance program records. In civil cases, some patient records are currently shielded from discovery by hospitals by cloaking them in the confidentiality afforded proceedings of a quality assurance program, even if those records were otherwise discoverable. This bill provides that a hospital can no longer shield patient records merely because they have been presented to a quality assurance program. However, testimony taken in conjunction with a quality assurance program will remain confidential. The bill allows patients access to their records while protecting a hospital's legitimate need to evaluate and investigate its prices, procedures and staff through quality assurance programs. Vote 17-0.

**Amendment (2368h)**

Amend the bill by replacing section 1 with the following:

I Proceedings of Hospital Committees; Quality Assurance Program; Confidentiality. Amend RSA 151:13-a, II to read as follows:

II. Records of a hospital committee organized to evaluate matters relating to the care and treatment of patients or to reduce morbidity and mortality and testimony by hospital trustees, medical staff, employees, or other committee attendees relating to activities of the quality assurance committee shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding~~], except that in the case of a legal action brought by a quality assurance committee to revoke or restrict a physician's license or hospital staff privileges, or in a proceeding alleging repetitive malicious action and personal injury brought against a physician, a committee's records shall be discoverable~~. *However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality assurance program, and any person who supplies information or testifies as part of a quality assurance program, or who is a member of a quality assurance program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:*

*(a) A judicial or administrative proceeding brought by a quality assurance committee to revoke or restrict the license or certification of a physician or hospital staff member; or*

*(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician.*

**HB 1109, establishing a commission to study problems related to the delivery of local assistance. OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The committee heard testimony about the need to preserve and strengthen the local assistance networks that work closely with our municipal welfare offices. These networks are coming under fiscal pressure from the recession, lack of affordable housing and homelessness. Representatives of both public and private assistance organizations unanimously testified that there is need for the study commission mandated by this bill to review existing statutes, especially RSA 165 "aid to assisted persons", procedures and relationships to provide the continued smooth flow of help to those in need on a local level. Vote 12-0.

**Amendment (2382h)**

Amend the bill by replacing section 2 with the following:

**2 Membership and Compensation.**

**I. The members of the commission shall be as follows:**

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) One representative of the office of homeless and housing services, department of health and human services, appointed by the commissioner of the department of health and human services.

(d) One representative of the division of family assistance, department of health and human services, appointed by the commissioner of the department of health and human services.

(e) Two representatives of the New Hampshire Local Welfare Administrators Association, appointed by that organization.

(f) One representative of the New Hampshire Municipal Association, appointed by that organization.

(g) One representative of the New Hampshire Coalition to End Homelessness, appointed by that organization.

(h) One representative of the New Hampshire Council of Churches, appointed by that organization.

(i) One representative of New Hampshire Legal Assistance, appointed by that organization.

(j) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by that organization.

(k) One representative of the New Hampshire Community Action Association, appointed by that organization.



II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

**HB 1112**, relative to the notice period for hearings on excavation permits. **OUGHT TO PASS**  
Rep. Robert W. Brundige for Municipal and County Government: This bill changes the notice period from 14 days to 10 days prior to a hearing on excavation permits. This action will make the notice period for excavation permits consistent with other land use notice requirements as contained in RSA 675:5. Vote 12-0.

**HB 1138**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: This bill closes the book on a problem first introduced in this House eight years ago. The plan for the Green Hills subdivision was originally drawn up on someone's kitchen table. This resulted in property lines being incorrectly drawn. Subsequently, title insurance lawyers would not certify the lots when the owners wanted to sell. Much work has been done on this issue. Previous legislation enacted, HB 160 Chapter 2 Laws of 1997, was deemed appropriate and constitutional by the Rockingham Superior Court in November 2001. Therefore, this bill is no longer needed. Vote 14-0.

**HB 1221**, relative to coordinating certain town and school district meetings. **OUGHT TO PASS**  
Rep. James E. Twombly for Municipal and County Government: This bill allows single towns and single school districts where both bodies have adopted the official ballot referendum form of government (SB2), to hold the first deliberative session of both bodies jointly, instead of separately as required currently. Positive testimony was given by all who attended the hearing as to the success of this collaborative approach to running the first deliberative session of the respective annual meetings. This bill enables towns so inclined and who have an existing cooperative spirit, to streamline the process as to allow the town and school district deliberative session to be held on the same day and at the same time. Vote 12-0.

**HB 1227**, relative to the appraisal of affordable housing developments. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires that the appraisal of property subject to a housing subsidy covenant fully reflect the decrease in value attributable to the covenant. The sponsor requested the committee to ITL this bill. She had filed the bill at the request of a constituent who subsequently changed his/her mind. Vote 13-0.

**HB 1275-FN-L**, relative to approval of budget calculations in the default budget of a municipality using the official ballot system. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill attempts to resolve a local problem emanating from an attempt to arbitrarily "inflate" the default budget in official ballot (SB2) towns. Despite the good intentions of the bills sponsor, the committee heard strong opposition from representatives of the Department of Revenue Administration, the NH Municipal Association and others that the remedy offered by the bill-a DRA audit-would be impossible to implement by DRA given the time restraints and lack of adequate staff. Furthermore, the committee felt that the perimeters of the default budget were adequately defined in current statutes. This is a local problem that should be resolved through interaction between the budget committee and the board of selectmen. Vote 11-0.

**HB 1306-FN-L**, relative to increasing the county's portion of fees collected from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Earle Goodwin for Municipal and County Government: In 1963, the Registrar of Deeds (ROD) received a 4% commission for all real estate transfer taxes paid and all the people working at the Registry were county employees and were paid out of that commission. In 1968 the transfer tax was rate enacted at \$.50/\$1000 and the commission percentage remained the same. The transfer tax rate has steadily increased and today it is \$15/\$1000. The President of the New Hampshire Association of Counties testified about the agreement between the ROD and the Department of Revenue Administration (DRA) officials that stipulates the collection of the real estate transfer tax would be done by the ROD with no increase in the percentage of commission. The effect of this agreement allows the counties to make interest on the transfer taxes monthly until it is time to send

the money to DRA. If HB 1306 became law, the commission rate would increase to 6%, the fiscal impact on the state revenues could be \$2,000,000 and the interest earned on the real estate transfer taxes could possibly be reduced if it became necessary to require earlier payment to DRA to make up for the reduction in state revenues. Vote 12-0.

**HB 1339**, relative to the offices of forest fire warden and deputy forest fire warden. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: The committee felt that this bill, if enacted would make statewide changes in the process of appointing forest fire wardens by substituting the selectmen's recommendation for appointment with only the fire-chiefs recommendation, to address a local problem emanating from the Town of Candia. A number of state organization representing fire-fighting personnel, forest protection, and the municipalities testified against the bill arguing that the existing system of appointments was working well and should not be changed. As this was a local issue, the committee voted unanimously not to change the system. Vote 14-0.

**HB 1391**, relative to municipal budgets. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill restricts the ability of the selectmen to transfer funds without public scrutiny. RSA 32:10 allows the governing body to transfer funds between budgeted line items and providing the total amount spent shall not exceed the total amount appropriated at the town or district meeting and the transfers are duly recorded without approval of the budget committee nor any other citizen. It was the intent of the sponsor to require supervision and approval of the transfers. Requiring approval of the transfer would limit local government flexibility and could result in micro-management. Vote 13-0.

**HB 1395**, relative to historic district commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Dudley D. Dumaine for Municipal and County Government: HB 1395 would allow a local legislative body to prescribe that a member of their Historic District Commission shall be elected. The majority of the Municipal and County Government Committee felt that a person or persons with historical background and/or education who would be initially interested in being a member of his/her local historic district commission, may otherwise be reluctant to become a member, if it meant that he or she would have to be elected. Also, as an elected position, a person with future political aspirations may be using the election process simply as a political stepping stone. Vote 13-2.

**HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The original bill names the state office park east on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex. The amendment also names Route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway in honor of former Governor Meldrim Thomson. The committee heard glowing testimony of the three term Governor's accomplishments. His fiscal policies during the difficult times of the 1970s protected the state's Triple A Bond rating. He was quoted in 1973 and 1975 capital budget presentations to the Legislature as to his concern for the state spending so much for rental space and proposed acquisition of land for a government center. Governor Thomson said "It is time that we begin to think about the future of our capital city of Concord, and what unplanned proliferation of government buildings could mean to this city 25 years from now". So, it is the committee's determination that the naming of the state office park east after the late Governor Thomson is appropriate and deserving for his many years of public service and accomplishments. The highway Route 25A is equally appropriate since it passes the Governor's home on Mt. Cube, and it was frequently used in his travels to Concord. Vote 17-0.

**Amendment (2139h)**

Amend the title of the bill by replacing it with the following:

AN ACT naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway.

Amend the bill by replacing all after the enacting clause with the following:

1 Meldrim Thomson State Office Complex. The state office complex on Hazen Drive in the city of Concord is hereby named the Meldrim Thomson State Office Complex in honor of former governor Meldrim Thomson A suitable marker may be erected or placed at the site.

2 Highway Named. Pursuant to RSA 4:43, the segment of New Hampshire route 25A from its junction with New Hampshire route 25 in Wentworth to its junction with New Hampshire route 10 in Orford is hereby named the Governor Meldrim Thomson Scenic Highway. A suitable marker may be erected or placed at the site.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 or 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill names the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and also names New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway in honor of former governor Meldrim Thomson.

### HB 1298, relative to signage for the adopt-a-highway program. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Cloutier for Public Works and Highways: This bill as amended establishes regulations relative to the signs for the adopt-a-highway program which the Department of Transportation will enforce, and changes the program's name to sponsor-a-highway. It also names the portion of the New Hampshire State Office South in Concord as the Hugh Gallen State Office Complex in honor of the late Gov. Hugh Gallen. Vote 16-1.

### Amendment (2484h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

Amend the bill by replacing all after the enacting clause with the following:

1 Sponsor-a-Highway Program. The subdivision heading preceding RSA 230:83 is repealed and reenacted to read as follows:

#### Sponsor-a-Highway Program

2 Sponsor-a-Highway Signage. RSA 230:83 is repealed and reenacted to read as follows:

230:83 Commissioner of Transportation to Establish Program; Rulemaking. In addition to the powers and duties of the commissioner of transportation under this title, the commissioner:

I. Shall establish a sponsor-a-highway program by directly involving citizens, groups, associations, and the business community in the beautification of the state's highways.

II. May recognize a citizen, group, association, or business that sponsors a section of highway by erecting a suitable recognition sign meeting the following criteria:

(a) The sign may consist of one or more panels, and shall be set in a location determined by the department to constitute no unreasonable safety risk to the public.

(b) The size, materials, method of installation, text, font, and color of the sign shall meet minimum standards of the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard in accordance with Title 23 U.S. Code, Sections 109(d), 114(a), 227, 315, and 402(a), and 23 CFR 655, 49 CFR 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2), as the same may be amended from time to time, provided that no sign may exceed 20 square feet in size.

(c) The citizen, group, association or business shall be identified by name only in a single section or panel constituting no more than ½ of the total area of the recognition sign.

(d) The sign shall not include a slogan, logo, trademark, street address, telephone number, internet address, insignia, or any other item serving to advertise a product or service of a sponsor, or indicating an affiliation with any group of which the sponsor may be a part.

III. Shall adopt rules under RSA 541-A to implement the provisions of this subdivision, which rules shall permit:

(a) Any section of a recognition sign not in compliance with this section to remain in place only until existing written agreements with the sponsor have expired; and

(b) Any section of a recognition sign that describes the former adopt-a-highway program to remain until the sign has served its useful life.

3 **Hugh Gallen State Office Complex.** The portion of the New Hampshire state hospital campus which has been converted to offices for state agencies and others, located on Pleasant Street in the city of Concord and currently known as the "state office park south," is hereby named the **Hugh Gallen State Office Complex** in honor of former governor Hugh Gallen. A suitable marker may be erected or placed at the site.

4 **Signage.** The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 3 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under section 3 of this act shall be approved by the department of transportation.

5 **Effective Date.** This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes certain requirements for signs related to the sponsor-a-highway program and names a portion of the New Hampshire state hospital campus on Pleasant Street in the city of Concord, currently known as "state office park south," the **Hugh Gallen Office Complex** in honor of former governor, Hugh Gallen.

**HB 1340**, establishing a committee to study the feasibility of computerizing and consolidating demographic information. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: The committee found that another committee in two previous bills had covered the issues addressed by this bill. It was also learned that the technologies required to accomplish the goals of the bill are available, but the policies involved many issues of confidentiality, both state and federal. The sponsor agreed that the Applied Technologies and Innovation Council could look at these issues, and that a special study committee is not needed. Vote 12-0.

**HCR 20**, encouraging trade with the Central American Northern Triangle. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: The committee heard no testimony in support of this bill. Vote 12-0.

**HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: The committee understands that as a society we are possibly over-fluorinated. However, to take the tools away from dentists and pediatricians to help those children and others who do benefit from the drugs would be irresponsible. There is a study bill currently being considered by this legislature that could provide information for future legislation. Vote 13-0.

**HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II. **OUGHT TO PASS**

Rep. Richard C. Leone for State-Federal Relations and Veterans Affairs: The resolution strongly urges Congress to release information to the public regarding restrictions placed upon approximately 600,000 Italian-American citizens in the United States during World War II. Italian-Americans have contributed greatly to the American culture whether it be in the military, politics, medicine, science, sports and the like. Their history and plight during WW II should be accessible to the public similar to what has been accorded to other cultures, such as the Japanese, in similar circumstances. Vote 14-0.

**HCR 28**, urging increased federal funding for quality breast cancer research. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee heard compelling testimony urging our support of this resolution to increase federal funding for quality breast cancer research. Increased research and education will help identify the causes of breast cancer in both women and men and then true primary preventive health care will become more effective. Vote 14-0.

#### Amendment (2496h)

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire urges President Bush to join in NBCC's mission to "Make Breast Cancer History" by:

Increasing federal funding for quality peer-reviewed breast cancer research; and  
 Guaranteeing access to quality breast cancer early detection and treatment for all women and men; and

Enhancing the involvement and influence of trained breast cancer consumer advocates in all aspects of breast cancer policy and research; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the house clerk to the President of the United States.

#### **HR 20, supporting the country of Tibet. OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: This resolution supports the country of Tibet and encourages companies and governments to acknowledge the Tibetan government in exile. The committee heard compelling first-hand testimony from several students of the Meeting School in Rindge and CON-VAL High School in Peterborough as well as many other speakers. There was no opposition to the resolution. The people of Tibet have suffered more than 50 years of brutal oppression at the hands of the People's Republic of China, with relatively little protest from the rest of the world. The committee strongly supports the Tibetan people in their peaceful quest for freedom. Vote 13-0.

#### **HB 1205, relative to the availability of motor vehicle records for the distribution of seat belt safety materials. INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would make driver records available to nonprofit groups seeking to provide information to those drivers the virtue of seat belt usage. The committee supports the idea of being proactive in educating the public on the effectiveness of seat belt usage. However, this bill would open driver records to nonprofit groups, thus opening the door for possible abuse. This is a privacy issue and this bill could possibly violate the Federal Privacy Act. The Transportation Committee has been very consistent concerning our citizen's privacy rights. New Hampshire has one of the toughest driver privacy laws in the nation that protects our citizens from identification (ID) fraud and personal information theft. Women are often victims of violent crimes that are a result of criminals receiving personal information through illegal sources. Driver information abuse has occurred over the Internet, and NH law enforcement has played a role in the investigation and prosecution of these crimes. Our current law helps to prevent these from reoccurring. Vote 13-1.

#### **HB 1243, relative to safety devices required for transporting logs, lumber, or timber. INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill was about a vehicle-mounted loading device for logging trucks, well known as a "cherry picker" or grapple boom and claw. The prime sponsor did in fact say he knew little about this device and its use, although he testified that the operators would be using this to help secure their load of logs. The committee found it interesting that no operator of these devices testified for the bill. The language and intent was unclear. Was this item to go along with or be in place of existing safety statutes? And, for this reason, the bill was assigned to a subcommittee, but the members upon speaking to other people found no reason to change the current law. The committee felt that current law on the way loads should be secured is adequate and in the best interest of the public. In fact, the New Hampshire Timberland Owners Association supports current law and sees no reason to amend it. Vote 15-0.

#### **HB 557-FN-A, relative to victims' assistance programs and the victims' assistance fund. OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Ways and Means: Currently grants made by the Attorney General from the Victim's Assistance Fund are limited to 25% of the fund balance. This bill removes that limitation. Removing the limitation allows for more monies to be allocated to victims, specifically to those victims of domestic violence and sexual assault. In addition the bill raises the cap of the fund from \$750,000 to \$1 million allowing monies accumulated in excess of \$1 million to be credit to the general fund. Vote 10-1.

#### **Amendment (2477h)**

Amend RSA 6:12, I (aa) as inserted by section 1 of the bill by replacing it with the following:

(aa) The assessments collected under RSA 188-F:31 and 651:63, V and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance fund which

shall be credited to the victims' assistance fund until that fund exceeds [~~\$750,000~~] **\$1,000,000**, at which time moneys in excess of [~~\$750,000~~] **\$1,000,000** shall be credited to the general fund. Referred to Finance.

**HB 1341**, relative to permissible uses of education property tax revenues. **INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for Ways and Means: Because no legislature can bind a future one, the committee feels that current statutes are adequate. The appropriate venue to address the concerns raised by the bill's intent is in the form of a constitutional amendment. While the committee agrees with the intent, it has not been demonstrated that there have been any instances of abuse which this bill would otherwise prevent. Vote 12-0.

**HB 1358-FN-L**, relative to valuation of property for purposes of assessing the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The sponsor agrees that the subject matter of this bill can appropriately be folded into a previously established study committee, and agreed with the unanimous committee vote of Inexpedient to Legislate. Vote 12-0.

## REGULAR CALENDAR

### SPECIAL ORDERS

**HB 1139**, allowing the governor to enter into reciprocal international child support agreements. **OUGHT TO PASS**

Rep. David M. Bouchard for Children and Family Law: Passage of this bill would enable the Department of Health and Human Services, Division of Child Support to work with foreign countries and their states or provinces to recognize each other's child support orders. In turn this could culminate in duplicate and conflicting orders. Each country could use the same order in either court jurisdiction similar to current Interstate Uniform Reciprocal Enforcement Support Act (URES). This bill was requested by DHHS Division of Child Support, and this has been successful in other US states. Vote 17-0.

Adopted and ordered to third reading.

**HB 1173**, relative to the identification and notification of putative fathers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara Hull Richardson for the Majority of Children and Family Law: This bill, which would have required a mother to name the father of a child and notify him within 60 days, violates a mother's right to privacy and could be harmful to all parties. Currently, fathers can file an affidavit to claim paternity. Mothers and fathers are better protected under the current laws. Vote 13-4.

Rep. David A. Bickford for the Minority of Children and Family Law: This bill would have helped influence unmarried mothers to name the possible fathers at the time of birth rather than waiting years to notify the father after the child's development is missed.

Majority report adopted.

## REGULAR CALENDAR (CONT'D.)

**HB 1408**, relative to local ordinances regulating truancy **INEXPEDIENT TO LEGISLATE**

Rep. Daniel C. Itse for Children and Family Law: This bill seeks to replicate the successful truancy system in Dover. It would replace existing laws under which the Dover system was developed and creates a one size fits all system. This would limit the flexibility of individual towns and districts to address their specific needs. It would also require the student rather than the responsible adult to appear in court. Finally, the bill created a great deal of concern among homeschoolers who might be affected due to dual enrollment or being registered through their local school. Vote 16-2.

Adopted.

**HB 1422**, establishing certain positions in the insurance department. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The legislation simply classifies certain positions within the New Hampshire Department of Insurance from being "contract employees" to a permanent status, thereby providing greater independence of the department to better serve the people of the State of New Hampshire. Vote 12-0.

Adopted and ordered to third reading.

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. **OUGHT TO PASS**  
Rep. Marshall E. Quandt for Commerce: The bill makes an appropriation for the addition of three attorneys, two paralegals and a legal secretary for the consumer protection and anti-trust division. It is expected to have a strong financial benefit to bring in settlement money from multi-state actions that the Attorney General's Office will now be able to participate in. Vote 13-0.

Adopted.

Referred to Finance.

### **SPECIAL ORDER**

**HB 1303-FN**, prohibiting the wearing of certain facial coverings. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill would have amended RSA 631:4 (criminal threatening) to include a new section (f). This new section would make it a crime to wear "a mask, hood, or other device intended to conceal the wearer's identity with the intent to terrorize another." The committee felt that this was unnecessary since the wearing of a mask, hood or other device was immaterial. All of the acts listed in criminal threatening are crimes whether or not a mask is worn. The new section (f) would be overly broad and could be applied to a Halloween mask. The bill would also enhance the penalty for criminal threatening to make the wearing of a "mask, hood, or other device", a class B felony. This would apply to the offenses listed in subparagraphs 1 (a) through 1 (d). This would make it a class B felony to place "any object or graffiti on the property of another." It was the vote of the committee that such an expansion of RSA 631:4 is not appropriate. Vote 13-0.

Adopted.

### **REGULAR CALENDAR (CONT'D.)**

**HB 1151**, establishing a commission to examine the status of public school curriculum requirements in civic education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The majority of the committee felt that the commission established by this bill, especially with its expanded role as contained in the amendment, can make positive recommendations for the development of civics programs in both the educational system and society in general. Vote 10-7.

#### **Amendment (2184h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to examine and assess the status of civic education in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that an active and informed citizenry is the foundation for preserving personal liberty and democratic society under a republican form of government, and wishes to explore and improve the means by which the state seeks to promote civic understanding and engagement among its residents. The general court also recognizes that developing and maintaining an informed and engaged citizenry ultimately requires educating youth at both the primary and secondary levels in the principles, organization, and operation of federal, state, and local government. Moreover, the general court is concerned by New Hampshire department of education data indicating that 35 percent of 6<sup>th</sup> graders and 45 percent of 10<sup>th</sup> graders scored at the novice level in civics and government examinations, as well as the implications such data may have for democratic governance and civil society in future years. The general court therefore establishes a commission to examine and assess the status of civic education in New Hampshire.

2 Commission Established. There is established a commission to examine and assess the status of civic education in New Hampshire.

3 Membership and Compensation.

1. The members of the commission shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of education, or designee.
- (d) The secretary of state, or designee.

(e) One primary school educator and one secondary school educator, appointed by the commissioner of the department of education.

(f) A representative from the university system of New Hampshire, appointed by the chancellor of the university system of New Hampshire.

(g) A representative from the New Hampshire Institute of Politics at Saint Anselm College, appointed by the president of the College.

(h) A representative from the business community, appointed by the president of the senate.

(i) A high school student, appointed by the speaker of the house.

(j) An undergraduate student from a college in New Hampshire, appointed by the president of the senate.

(k) A naturalized American citizen, appointed by the governor with the consent of the executive council.

(l) A permanent resident who has applied for naturalization, appointed by the governor with the consent of the executive council.

(m) A parent involved in home schooling, appointed by the speaker of the house.

(n) A representative from Kids Voting USA, appointed by the president of the senate.

II. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses; provided, that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall examine and assess the status of civic education in New Hampshire, assess the status of existing curriculum requirements for educating students in the organization and operation of federal, state, and local government, and propose any changes to those requirements as deemed necessary.

5 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a commission to examine and assess the status of civic education in New Hampshire.

Adopted.

Report adopted and ordered to third reading.

#### **HB 1174-FN-L, requiring the provision of educational opportunities to expelled pupils. INEXPEDIENT TO LEGISLATE**

Rep. John R. M Alger for Education: This bill would require \$8.9 million as a mandate in all 178 school districts. As a result, the State would have to pay these costs with each school board creating their own program for expelled students. The sponsor realized the difficulties apparently and came forward with an amendment to create a commission study of the issue, not only for expelled students, but also students at risk of expulsion. The amendment was defeated on this basis plus testimony received that schools already have programs for the expelled. Vote 13-4.

Adopted.

#### **HB 1231-FN, implementing a pre-engineering technology curriculum in the public high schools in the state. OUGHT TO PASS WITH AMENDMENT**

Rep. John R. M. Alger for Education: This is a proven program in New Hampshire and elsewhere. Testimony by two New Hampshire schools having the program was very enthusiastic as to interest by students and performance improvements. All testimony favored the bill which requires the Department of Education to develop and implement a pre-engineering curriculum in selected high schools that wish to participate. An advisory committee is included to assist in expanding the program and include private funding also as illustrated in one of the schools that has adopted the curriculum. No school would be required to implement a pre-engineering curriculum; but, those that choose to do so would be greatly aided by this initiative. Vote 16-1.

#### **Amendment (1955h)**

Amend RSA 188-E:14 as inserted by section 1 of the bill by replacing it with the following:

188-E:14 Pre-Engineering Technology Curriculum.



I. The department of education shall develop and implement a pre-engineering technology curriculum in the public high schools to provide statewide opportunities for high school students interested in careers in engineering, or allied engineering fields, to enroll in a high quality engineering technology curriculum.

II. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to course content, curricular requirements, and general procedures for implementing the pre-engineering technology curriculum. At a minimum, the curriculum shall include the following courses:

- (a) Introduction to engineering design
- (b) Digital electronics
- (c) Principles of engineering
- (d) Computer integrated manufacturing
- (e) Engineering design and development

III. In developing and implementing a pre-engineering technology curriculum, the efforts of the department of education shall complement existing public and private actions, and shall include the pursuit of innovative public-private partnerships with businesses, nongovernmental organizations, academic institutions, and other appropriate groups. Such partnerships shall at a minimum consist of a 50/50 match of public and private funds. Teachers teaching in the pre-engineering technology curriculum, shall be certified to teach the course work as required in this curriculum.

IV. The department of education shall include in its biennial capital budget request, funding for the planning, construction, renovation of equipment necessary for the operation of pre-engineering technology curriculum in the regional vocation education centers.

V. Public schools which implement the pre-engineering technology curriculum shall be responsible for maintaining the program with funding requests made through the budgetary cycle.

Adopted.

Report adopted.

Referred to Finance.

**HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sharon M. Carson for Education: While the Department of Education (DOE) has recently completed a financial audit, the majority of the education committee felt that a performance audit was needed to assess both the strengths and weaknesses presently within the DOE and to make such an audit a priority. Given the dramatic increase in focus on state departments of education, it is particularly critical that we know as much as possible about what our department does well, does poorly, and why. Vote 14-3.

Adopted.

Referred to Finance.

**HB 1291**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. **REFER FOR INTERIM STUDY**  
Rep. Charles E. Sova for Education: The committee felt the planning process on the reduction of persons awaiting these transition services was already underway and legislation was not needed at this time. However, the committee further felt that the bill should be sent to interim study pending the completion of the plan. Vote 9-5.

Adopted.

**HB 1326**, establishing a committee to study the veterinary/medical education loan program and the veterinary/medical/optometric loan program. **INEXPEDIENT TO LEGISLATE**

Rep. Iris W. Estabrook for Education: The Education Committee's recommendation on this bill recognizes that the Health and Human Services Committee, and the House, recently passed another bill concerning administrative changes to the medical education loan program. That legislation may be amended to address these concerns, or the affected parties may bring forward a specific remedy for consideration next session. Vote 11-6.

Adopted.

**HB 379**, apportioning the executive council districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill makes no changes to the existing Executive Council districts, as they all currently fall within the acceptable range and the Executive Councilors are all comfortable with the makeup of their current districts. The only change made by the amendment is to change the effective date. Vote 13-6.

**Amendment (2040h)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

Rep. Kacavas declared a conflict of interest and did not participate.

**HB 420, apportioning state representative districts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Bragdon for the Majority of Election Law: HB 420 is the culmination of countless hours of hard work, committee and public hearings and number crunching with the end result being a consensus agreement between the parties in seven of our ten counties. Throughout the process, the committee adhered to the New Hampshire Constitution, respected incumbent boundaries to the greatest extent possible and strove to achieve the best possible deviations. Both sides worked together, with few notable exceptions, to come up with a plan that would please as many people as possible. This bill holds fast to the goals we set for deviation and range and limits the number of multi member districts to the minimum possible. Some maintain that cities get a raw deal in the design of this plan, but that just simply is not true. Many New Hampshire cities lost representation simply because their population numbers have dropped dramatically in the last ten years. Conversely, some suburbs and outlying towns gained as their populations increased. Floterials were used when necessary, and while there are more of them, the average number of residents within a floterial decreased from the 1992 levels. Additionally, these floterials reduced the overall deviation to under what it would have been had we not used a floterial. The average deviation, per district is well under the goal of 10%. A number of changes were proposed to the original plan, both by Republicans and Democrats and the Committee adopted many of these changes. In short, the committee worked hard, once again, to placate people's concerns. This plan complies with the constitution, state laws and the criteria set by the redistricting committee. It is fair and we are confident it will stand tall under anybody's honest scrutiny. Vote 13-6.

Rep. Jane A. Clemons for the Minority of Election Law: New Hampshire is proud of its citizen Legislature. But the difference between the ideal of 400 members each representing just over 3,000 people and the reality embodied by this redistricting plan could not be greater. Far from conforming to the constitutional absolute of one person, one vote, the districts in this plan range in population from a high of 86,605 to a low of 2,946. If this plan is adopted, more than 75 percent of the members of this House will be elected from multi-member or floterial districts; only 15 members will be elected from districts that fall within the constitutionally acceptable range of 3089. Worse still, more than one half of the 214 Districts created by this bill have a deviation greater than 100 percent of the constitutionally accepted number of 3089, and fully one in three of these new Districts have a deviation greater than 200 percent. This plan also continues the trend toward increasing reliance on floterial districts: over the last two decades, the number of floterial districts has grown from 17 in 1982, to 32 in 1992, to 43 in the majority amendment to this bill. However, reasonable, constitutional alternatives were possible. For the first time in history, this Legislature had the technical capacity and expertise to draw 400 single-member districts; the majority chose not to do so. As a result, we are being asked to adopt a redistricting plan that sacrifices the most basic fundamental right of a citizen in a free democracy — the right to vote, and to have that vote count as equally as the votes of every other citizen of this state.

**Majority Amendment (2341h)**

Amend the bill by replacing all after the enacting clause with the following:

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

I. Belknap County.		
District No. 1	Center Harbor	1
	New Hampton	1
District No. 2	Meredith	2
District No. 3	Sanbornton	
	Tilton	1

District No. 4	Belmont	2
District No. 5	Belmont	
	Sanbornton	
	Tilton	1
District No. 6	Gilmanton	1
District No. 7	Alton	1
District No. 8	Barnstead	1
District No. 9	Gilford	2
District No. 10	Alton	
	Barnstead	
	Gilford	1
District No. 11	Laconia	5
	II. Carroll County.	
District No. 1	Bartlett	
	Chatham	
	Hart's Location	
	Jackson	1
District No. 2	Conway	
	Hale's Location	2
District No. 3	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	1
District No. 4	Albany	
	Eaton	
	Madison	1
District No. 5	Ossipee	1
District No. 6	Effingham	
	Freedom	
	Ossipee	
	Tamworth	2
District No. 7	Wakefield	1
District No. 8	Wolfeboro	1
District No. 9	Moultonborough	1
District No. 10	Brookfield	
	Moultonborough	
	Sandwich	
	Tuftsboro	
	Wakefield	
	Wolfeboro	3
	III. Cheshire County.	
District No. 1	Gilsum	
	Stoddard	
	Sullivan	
	Surry	1
District No. 2	Jaffrey	1
District No. 3	Dublin	
	Harrisville	
	Nelson	
	Roxbury	1
District No. 4	Dublin	
	Jaffrey	
	Harrisville	
	Nelson	
	Roxbury	1

District No. 5	Marlborough	
	Swanzy	3
District No. 6	Rindge	1
District No. 7	Winchester	1
District No. 8	Fitzwilliam	
	Richmond	
	Rindge	
	Troy	
	Winchester	3
District No. 9	Hinsdale	1
District No. 10	Chesterfield	
	Westmoreland	1
District No. 11	Chesterfield	
	Hinsdale	
	Westmoreland	1
District No. 12	Alstead	
	Marlow	
	Walpole	2
District No. 13	Keene Ward 1	1
District No. 14	Keene Ward 2	1
District No. 15	Keene Ward 3	1
District No. 16	Keene Ward 4	1
District No. 17	Keene Ward 5	1
District No. 18	Keene Wards 1-5	2
	IV. Coos County.	
District No. 1	Atkinson and Gilmanton Academy Grant	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	
	Dixville	
	Erving's Location	
	Pittsburg	
	Second College Grant	
	Stewartstown	
	Stratford	2
District No. 2	Berlin	
	Cambridge	
	Dummer	
	Errol	
	Milan	
	Millsfield	
	Odell	
	Success	
	Wentworth's Location	4
District No. 3	Kilkenny	
	Lancaster	
	Northumberland	
	Stark	2
District No. 4	Dalton	
	Whitefield	1
District No. 5	Bean's Grant	
	Bean's Purchase	
	Carroll	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	

	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Low and Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Shelburne	
	Thompson and Meserve's Purchase	2
	V. Grafton County.	
District No. 1	Bethlehem	
	Littleton	
	Monroe	3
District No. 2	Bath	
	Lisbon	
	Lyman	1
District No. 3	Benton	
	Franconia	
	Landaff	
	Sugar Hill	
	Warren	1
District No. 4	Easton	
	Ellsworth	
	Lincoln	
	Livermore	
	Waterville Valley	
	Woodstock	1
District No. 5	Haverhill	
	Orford	
	Piermont	2
District No. 6	Ashland	
	Campton	
	Holderness	
	Thornton	3
District No. 7	Plymouth	2
District No. 8	Alexandria	
	Bridgewater	
	Bristol	
	Hebron	2
District No. 9	Dorchester	
	Groton	
	Rumney	
	Wentworth	1
District No. 10	Hanover	
	Lyme	4
District No. 11	Canaan	
	Enfield	
	Grafton	
	Orange	3
District No. 12	Lebanon	4
	VI. Hillsborough County.	
District No. 1	Antrim	
	Deering	1
District No. 2	Antrim	
	Deering	

	Hillsborough	
	Windsor	1
District No. 3	Hillsborough	
	Windsor	1
District No. 4	Weare	2
District No. 5	Goffstown	
	Weare	1
District No. 6	Francestown	
	Greenfield	1
District No. 7	Goffstown	5
District No. 8	Peterborough	
	Sharon	2
District No. 9	Bennington	
	Hancock	1
District No. 10	Lyndeborough	
	New Boston	
	Mt. Vernon	1
District No. 11	New Boston	1
District No. 12	Temple	
	Wilton	1
District No. 13	Milford	
	Temple	
	Wilton	1
District No. 14	Milford	4
District No. 15	Amherst	3
District No. 16	Amherst	
	Mt. Vernon	1
District No. 17	Bedford	6
District No. 18	Litchfield	2
District No. 19	Merrimack	8
District No. 20	Greenville	
	New Ipswich	2
District No. 21	Brookline	
	Hollis	
	Mason	1
District No. 22	Brookline	
	Mason	1
District No. 23	Hollis	2
District No. 24	Hudson	7
District No. 25	Pelham	3
District No. 26	Hudson	
	Litchfield	
	Pelham	1
District No. 27	Nashua Ward 1	3
District No. 28	Nashua Ward 2	3
District No. 29	Nashua Ward 3	3
District No. 30	Nashua Ward 4	3
District No. 31	Nashua Ward 5	3
District No. 32	Nashua Ward 6	3
District No. 33	Nashua Ward 7	3
District No. 34	Nashua Ward 8	3
District No. 35	Nashua Ward 9	3
District No. 36	Nashua Wards 1-9	1
District No. 37	Manchester Ward 1	3
District No. 38	Manchester Ward 2	3
District No. 39	Manchester Ward 3	3
District No. 40	Manchester Ward 4	3

District No. 41	Manchester Ward 5	3
District No. 42	Manchester Ward 6	3
District No. 43	Manchester Ward 7	3
District No. 44	Manchester Ward 8	3
District No. 45	Manchester Ward 9	3
District No. 46	Manchester Ward 10	2
District No. 47	Manchester Ward 11	2
District No. 48	Manchester Ward 12	2
District No. 49	Manchester Wards 10, 11, and 12	2

## VII. Merrimack County.

District No. 1	Andover	
	Hill	1
District No. 2	New London	1
District No. 3	Danbury	
	New London	
	Wilmot	1
District No. 4	Newbury	
	Sutton	
	Warner	2
District No. 5	Bradford	
	Henniker	2
District No. 6	Dunbarton	
	Hopkinton	
	Webster	2
District No. 7	Bow	2
District No. 8	Bow	
	Dunbarton	
	Hopkinton	
	Webster	1
District No. 9	Hooksett	4
District No. 10	Allentown	
	Pembroke	4
District No. 11	Chichester	
	Epsom	2
District No. 12	Pittsfield	1
District No. 13	Loudon	1
District No. 14	Northfield	1
District No. 15	Boscawen	1
District No. 16	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
	Pittsfield	2
District No. 17	Franklin	
	Salisbury	3
District No. 18	Concord Ward 1	1
District No. 19	Concord Ward 2	1
District No. 20	Concord Ward 3	1
District No. 21	Concord Ward 4	1
District No. 22	Concord Ward 5	1
District No. 23	Concord Ward 6	1
District No. 24	Concord Ward 7	1
District No. 25	Concord Ward 8	1
District No. 26	Concord Ward 9	1
District No. 27	Concord Ward 10	1
District No. 28	Concord Wards 1-10	3

## VIII. Rockingham County.

District No. 1	Northwood	1
District No. 2	Nottingham	1
District No. 3	Deerfield	1
District No. 4	Candia	1
District No. 5	Candia	
	Deerfield	
	Northwood	
	Nottingham	1
District No. 6	Raymond	3
District No. 7	Auburn	1
District No. 8	Chester	1
District No. 9	Auburn	
	Chester	
	Raymond	1
District No. 10	Danville	1
District No. 11	Sandown	1
District No. 12	Fremont	1
District No. 13	Danville	
	Sandown	1
District No. 14	Atkinson	2
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Hampstead	
	Plaistow	1
District No. 18	Derry	11
District No. 19	Londonderry	7
District No. 20	Windham	3
District No. 21	Londonderry	
	Windham	1
District No. 22	Salem	9
District No. 23	Epping	1
District No. 24	Epping	
	Fremont	1
District No. 25	Exeter	
	Kensington	5
District No. 26	Brentwood	1
District No. 27	East Kingston	
	Kingston	
	Newton	4
District No. 28	Newfields	
	Newmarket	3
District No. 29	Stratham	2
District No. 30	Greenland	1
District No. 31	New Castle	
	Rye	2
District No. 32	North Hampton	1
District No. 33	Hampton	
	Hampton Falls	5
District No. 34	Hampton	
	Hampton Falls	
	North Hampton	1
District No. 35	Seabrook	
	South Hampton	3
District No. 36	Portsmouth Ward 1	1
District No. 37	Portsmouth Ward 2	1



District No. 38	Newington	
	Portsmouth Ward 3	1
District No. 39	Portsmouth Ward 4	1
District No. 40	Portsmouth Ward 5	1
District No. 41	Portsmouth Wards 1, 2, and 5	1
District No. 42	Newington	
	Portsmouth Wards 3 and 4	1
	IX. Stafford County.	
District No. 1	Farmington	1
District No. 2	Milton	1
District No. 3	Middleton	
	New Durham	1
District No. 4	Farmington	
	Middleton	
	Milton	
	New Durham	1
District No. 5	Rochester Ward 1	1
District No. 6	Rochester Ward 2	1
District No. 7	Rochester Wards 1 and 2	1
District No. 8	Rochester Ward 3	1
District No. 9	Rochester Ward 4	1
District No. 10	Rochester Wards 3 and 4	1
District No. 11	Rochester Ward 5	1
District No. 12	Rochester Ward 6	1
District No. 13	Rochester Wards 5 and 6	1
District No. 14	Rollinsford	
	Somersworth	5
District No. 15	Dover Ward 1	1
District No. 16	Dover Ward 6	1
District No. 17	Dover Wards 1 and 6	1
District No. 18	Dover Ward 2	1
District No. 19	Dover Ward 3	1
District No. 20	Dover Wards 2 and 3	1
District No. 21	Dover Ward 4	1
District No. 22	Dover Ward 5	1
District No. 23	Dover Wards 4 and 5	1
District No. 24	Durham	4
District No. 25	Barrington	2
District No. 26	Lee	1
District No. 27	Strafford	1
District No. 28	Barrington	
	Durham	
	Lee	
	Madbury	
	Strafford	1
	X. Sullivan County.	
District No. 1	Cornish	
	Plainfield	1
District No. 2	Croydon	
	Newport	
	Unity	2
District No. 3	Cornish	
	Croydon	
	Newport	
	Plainfield	
	Unity	1

District No. 4	Sunapee	1
District No. 5	Grantham	
	Springfield	1
District No. 6	Acworth	
	Goshen	
	Lempster	
	Washington	1
District No. 7	Charlestown	
	Langdon	1
District No. 8	Acworth	
	Charlestown	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 9	Claremont Ward 1	1
District No. 10	Claremont Ward 2	1
District No. 11	Claremont Ward 3	1
District No. 12	Claremont Wards 1-3	1

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2002 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2002 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2000 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2001.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. John Pratt spoke against and yielded to questions.

Rep. Stritch spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 223 NAYS 134

### YEAS 223

#### BELKNAP

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Smith, Edwin

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Barker, Robert  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Cobb, John  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Eaton, Richard  
Fletcher, Richard  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Leishman, Peter  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dokmo, Cynthia  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Mercier, Irene  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Wheeler, Robert

Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Thompson, Rob  
White, Donald

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Leber, William  
Soltani, Tony

Brewster, Richard  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
DiFruscia, Anthony  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
Morse, Charles  
Palermo, Diane  
Quandt, Matthew  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Nowe, Ronald  
Power, Lucille  
Rausch, James  
Sloan, Stephen  
Welch, David

Bowles, Raimond  
Case, Margaret  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Wall, Janet

Bickford, David  
Hughes, Christopher  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Dunlap, Patricia  
Twombly, James

**SULLIVAN**

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

## NAYS 134 BELKNAP

Johnson, William

Pilliod, James

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Batchelder, Robert  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
Meader, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

## COOS

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

## HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Jean, Claudette  
Kony, Christine  
McDonough-Wallace, Alice  
Palangas, Eric  
Shaw, Barbara  
Williams, Carol

Baroody, Benjamin  
Clayton, William  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
Panagopoulos, Nicholas  
Sullivan, Peter

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Haley, Robert  
Kacavas, John  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Buckley, Raymond  
Cote, David  
Dionne, David  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Murphy, Robert  
Seibel, Christopher  
White, John

## MERRIMACK

Bouchard, Candace  
Davis, Frank  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Burney, Carol  
French, Barbara  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Gile, Mary  
Owen, Derek  
Rodd, Beth  
Yeaton, Charles

Crosby, Toni  
Greco, Vincent  
Perkins, Randy  
Rush, Deanna

## ROCKINGHAM

Blanchard, MaryAnn  
Downing, Michael  
Micklon, Stephanie  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Kane, Cecelia  
Norelli, Terie  
Shultis, Elizabeth

Clark, Vivian  
Kelley, Jane  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
McGuire, Robert  
Pitts, Jacqueline  
Trueman, Raymond

## STRAFFORD

Berube, Roger  
Ferland, Paul  
Heon, Richard  
Lent, Donald  
Rollo, Michael

Brennan, William  
Gilmore, Gary  
Johnson, Nancy  
McCarthy, Gerald  
Spang, Judith

DeChane, Marlene  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur  
Tsiros, William

Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Proulx, Raymond  
Woodill, Rodney

## SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the majority report was adopted.

Ordered to third reading.

Rep. Wall voted yea and intended to vote nay.

**DEBATE ON HB 420**

Without objection, the Speaker ordered that the debate on **HB 420**, apportioning state representative districts, be printed in the Permanent Journal.

Rep. John Pratt: Thank you, Mr. Speaker. Mr. Speaker, one could read the two "blurbs" on HB 420 and might come to the conclusion that this is a question of whether the glass is half full or half empty. But I suggest to you this morning, Mr. Speaker, that that is not the case. What we are really looking at is whether you see the emperor arrayed in beautiful clothes or whether the emperor is naked. I'm here today to say that 420 is a terrible bill and should be recommitted and repaired. I want to begin by using the term that the distinguished Majority Leader used when he addressed the Election Committee, and he said, "This is a matter of common sense." It may be the only issue I find myself in full agreement with him. Mr. Speaker, could we have some order? Thank you, Mr. Speaker.

In 1964, the people of this state spoke on the issue of redistricting. They amended the constitution, they added these words: the House will be redistricted and those districts will be "...as equal as circumstances will admit." As equal as circumstances will admit. This came at the time when people all across the nation were struggling over the issue of voting rights in the South. It came at a time when the Supreme Court was issuing its decision in *Reynolds v. Sims* and other cases declaring the great principle of one person, one vote. And I suggest to you, my colleagues, that the people of New Hampshire used their common sense when they passed this amendment and they understood what it meant and its meaning is crystal clear. It means one citizen gets to vote for one legislator, that one legislator will represent the same number of people as every other legislator. That's what it means. And when the redistricting committee came together, the first vote we took was on the ideal district in New Hampshire. We took 1.2 million people, we divided it and we came up with a figure of 3,089. The ideal district in New Hampshire for each of the 400 seats will be 3,089 persons. We understood what our own constitution said.

My colleagues, when the legislature convenes next year do you have any idea how many representatives here will represent 3,089 people, plus or minus? Let me tell you. If you take the first two rows of Section 3, going from my colleague and friend Rep. Dudley, Rep. Kurk, Rep. Fraser to the empty seat, you still don't have your ...you're one person short. Fifteen out of 400 legislators, 15 out of 400, under House Bill 420 will represent 3,089 citizens. The rest, the 385, will represent way over the plus or minus 5% margin declared by our constitution and by common sense. How bad is House Bill 420? One out of every three districts will have a deviation rate in excess of 200%, 9,000 voters or more. How bad is House Bill 420? Half the districts that we created will have a deviation in excess of 100%. That means you won't be representing 3,089. You'll be representing 6,000 or 9,000 and if you then want to know how bad it is, we have one district which is almost the size of two Senate seats — 86,000 people in one district. I ask you does that even begin to match common sense?

Well, the committee says "Our hands are tied." Nonsense. Nonsense. There is language in the constitution that contradicts what the people said in 1964. I concede that. But to say that controls, and the last word of the people of New Hampshire should be thrown out or torn up, I don't concede that. We can do better. We should do better. They say it's too hard to create 400 districts. Nonsense. Nonsense. The committee went out and spent good money and bought software which for the first time in New Hampshire history will allow us to craft 400 individual districts of 3,089 plus or minus 5%. If we have the will to do it, we have the capacity.

My colleagues, somewhere very early this morning 41 brave souls from the majority party in the national legislature stood up and said the thing is broken. The emperor is naked. And they moved to reform campaign finance laws in this nation. I commend my own Congressman, Mr. Bass, for joining with those hearty souls. Today, we can score a "two-fer" and I hope that there are 41 hearty souls in the majority in this House that will say common sense and fair play still have a role in the redistricting process in New Hampshire. I urge you to vote down House Bill 420 so that it can be recommitted and we can do this job in the manner in which it should be done. Thank you, Mr. Speaker.

Speaker: Does the member yield to questions?

Rep. John Pratt: I will.

Speaker: The member yields. Rep. Vaillancourt, you may inquire.

Rep. Vaillancourt: Thank you, Mr. Speaker. I would certainly like to commend the previous speaker for the outstanding work he put into this exercise, and as I mentioned it is an outstanding intellectual exercise. However, what you suggest is clearly unconstitutional, is it not?

Rep. John Pratt: Rep. Vaillancourt, what I am suggesting is that the bill before you is clearly unconstitutional, is it not? Can anyone in this House say that when 385 out of 400 members do not meet the constitutional requirements that districts shall be as equal as circumstances will admit, that that is a violation of Article 9, Section II of the constitution. Clearly, it is and I think that every person with common sense is going to arrive at that conclusion.

Speaker: Does the member yield to a further question?

Rep. John Pratt: One more, Mr. Speaker.

Speaker: The member yields, you may inquire.

Rep. Vaillancourt: Thank you. Just by way of following up, what you are proposing, I think, would force us to have districts cross town lines which is written in the constitution as being clearly not something we can do. As to your argument that it's unconstitutional the way it is now because it is not totally equal, it gets closer there so there's some ambiguity as to whether this as done is unconstitutional but crossing town or city lines, don't you agree, would not be allowed without a constitutional amendment?

Rep. John Pratt: Precisely my point, Rep. Vaillancourt. If you have two contradictory clauses in the same article, then you have to do the best you can; but you cannot ignore one in order simply to obey the second. This committee slavishly adhered to no town or line shall be broken and in the process shredded 3,089. We are not talking about slight deviations. We are not talking about 15-16% even. We are talking about 1,200%, 800%. We are not talking about one person, two votes. We're talking, in cases, one person, 11 votes; one person, 7 votes. Thank you, Mr. Speaker.

Speaker: Does the member yield to another question?

Rep. John Pratt: I do not.

Speaker: The member does not yield. The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. The Chair recognizes the member from Auburn, Rep. Stritch.

Rep. Stritch: Thank you, Mr. Speaker. The question before us today is redistricting of the House of Representatives but the major question that might come into your mind first is, "Why would a successful person change a winning formula and put at risk their success in the future?" 400 representatives in the state of New Hampshire sitting in this House have a winning formula in their district and they were elected and today we ask them to vote new districts. And it may not be a winning formula for everyone. Why would anyone take that kind of a risk? Why would anyone vote for a bill that would put them at risk? We vote for a bill for redistricting every 10 years because we as representatives accept the fact that we are elected to uphold the laws of the State of New Hampshire and that requires a redistricting of the state legislature every ten years and we do it according to the federal census figures. We did not embark upon the magical mystery tour. We do not plan to divide the state checkerboard fashion into 400 districts and we do not propose to do that and we do not accept those type of proposals for the very reason that Part 2, Article 9, Article 11 and Article 11a of the New Hampshire constitution says you shall recognize county boundaries and not violate them; you shall recognize political divisions of towns and not violate them; you shall not divide wards in cities and split them up; you must keep them whole and intact and furthermore, all county governments in the state of New Hampshire have their delegation from that county and if a district were to run into two counties, what part of the delegation of that county might a representative be? The redistricting committee began by establishing the ideal number of population that would represent a representative in the state of New Hampshire and it arrived at 3,089.

We developed criteria for developing these districts, we developed and accepted a formula called aggregate deviation in order to keep the numbers as close as possible to 3,089. All this criteria, all these rules, all the descriptions and the analyses that we went through was on the Internet, it was in the newspaper, we held public hearings in every county. All the meetings were open and everything was available to the public. We knew that in the beginning of 1962, that in the case in the United States Supreme Court of *Baker v. Carr*, it was decided that the courts for the first time could enter in upon the political process in the redistricting in the states and from that flowed a court case of *Gray v. Sanders* in which Justice Douglas said if you read the Declaration of Independence, if you read the Gettysburg Address, if you're familiar with the 15<sup>th</sup> amendment to our constitution, the 17<sup>th</sup> amendment and the 19<sup>th</sup> amendment, it says only one thing – one person, one vote. Nowhere in the Constitution of the United States do those words exist. It is an interpretation of the court and we all accept that as the law of the land, as we accept Supreme Court decisions as our guide. Another case evolved called *Wesbury v. Sanders* in which it said, the court said, you must

keep the numbers for representatives as practicable as possible. Not practical, but practicable. What does practicable mean as opposed to practical? I think I could describe it this way. It might be practicable to transport children to school in a hot air balloon but it wouldn't be practical. That is the difference. Justice Warren recognized the fact that Congressional elections under the United States Constitution are different than state legislative elections and so in a cornerstone case called *Reynolds v. Sims*, and I'll repeat it, *Reynolds v. Sims*, because I want you to remember a cornerstone and this will be the basis of redistricting in New Hampshire, and in it, Justice Warren said there is a difference and the power to redistrict in the legislative process in the states arises from the 14<sup>th</sup> amendment, "equal protection under the law." And that mathematical nicety is not a constitutional requirement. Remember *Reynolds v. Sims* because the next major case that we should remember occurred in New Hampshire in 1982 and it was *Boyer v. Gardner*, a Senator Richard Boyer of our Senate took the case to court and his concern was floterials, multi-member districts, the use of a mathematical formula to decide whether the districts were equal or were not equal. Within that case judged that New Hampshire's district court, First District Court of the United States, Judge Campbell said, floterials are legal. Aggregate deviation is an accepted process by the United States Supreme Court and the use of it in 1982 was properly used. Then where do we get the idea that we can have extra people in population for a representative? It arises from another court case, *Mahan v. Howell*, in which it was decided that we would have a 10% spread and that would be legal in elected offices in the state and it was reaffirmed with *White* and with *Burns*. Now, the issue arises about how many districts that we have that are floterials and how many of them do not agree in population. There is not one single district in the state of New Hampshire that has a deviation of 200% or any percent anywhere near that 200, and there is not one single district in the State of New Hampshire that we are proposing to you today that has a deviation of anything anywhere near that number. We have maintained the deviation ... (tape change) ... in counties within all court decided cases and a person who comes from Derry, New Hampshire that votes for 11 representatives in a town of 34,000 townpeople has the same equal weighted vote as a person who votes in Auburn, New Hampshire for one representative for 3,089 people and how do I prove that to you? I refer you to the court case of *Fortson v. Dorsey* by the United States Supreme Court in which the judge said it's simple algebra. If one representative equals 3,089,  $1R=3,089$ ,  $10R=30,890$ . In grades 7 and 8 we learned in algebra, that's an equal equation. Each equation equals the other. And that the weighted vote in a multi-member district is the same as the vote in the single member district. In our long journey for redistricting, and it has been 13 months for me, and 11 or 8 for the committee when it was adopted and appointed, and I want to say to you at this time that the number of districts in the State of New Hampshire under this proposal is 215. The number of single member districts is 134 not 15. And the number of multi-member districts is 81. And the number of floterials is 42. The number of floterials is ten more than in 1992 and this is because the population has been moving from the cities, not so much to the suburbs, but to the rural areas perhaps in search of more land and trees and streams and solitude. But that's where the population has been moving. The population in New Hampshire in the 1990's grew by 11.4%. If your town did not grow by 11.4%, you probably have a problem with representation there. Some places only grew 4 or 5%. Small towns in the rural areas grew by 18 to 20%. It's important to remember that those who gave all their time, their energy, their efforts and they presented all the plans and the proposals and that those who crafted this plan that's before you today met every test. And I can say to you without any equivocation at all that they proved to be splendid in every respect. We completed the first part of our task. It reminds me of an ancient book, *The Illiad* and *The Odyssey* and those two books evidently were written by a poet of long ago called Homer. It's not Bart, it's not related to Bart or Burt, it has nothing to do with the Simpsons at all, he's not related but even if you think there were some Simpsons that were on the committee, there were not. Homer wrote *The Illiad* and this is more representative to *The Illiad* in that if you adopt this proposal we offer you today then come this November we will begin the 10- year odyssey and with the people of New Hampshire it will prove to be very popular. Thank you.

Speaker: Will the member yield to questions?

Rep. Stritch: Yes.

Rep. Jacobson: Thank you, Mr. Speaker. Rep. Stritch, as I understand it we have now again increased the number of floterial districts, is that not true?

Rep. Stritch: That is correct.

Rep. Jacobson: Further question?

Speaker: You may inquire.

Rep. Jacobson: Do you know that we are the only state of the 50 states in the Union that uses flotalial districts?

Rep. Stritch: That's partially correct, Rep. Jacobson. The other part of the answer is that Wyoming uses a flotalial process.

Speaker: Does the member yield to further questions? The member yields, you may inquire.

Rep. Jacobson: How do they use the flotalial?

Rep. Stritch: They use the flotalial process by way of counties in their House of Representatives and they tried to do it with the Senate but it was turned down.

Speaker: Does the member yield to a further question?

Rep. Stritch: I do.

Rep. Jacobson: So if that be true, and I don't know what you said is true because according to my information there were none, why then do we have to increase these flotalial districts when in fact we could make the districts based upon population much closer to one representative for each district and get to the 3,089 or close to it, on each district?

Rep. Stritch: Part of the reason is the diaspora of the people into the countryside and you have a lot of the small towns that have grown to within 5 and 10% of that ideal number and in order to provide that additional number of people in each district additional representative it takes the necessity of adding another town or third town to bring that number up to 3,089, thus giving one representative as a float in that extra number of districts.

Rep. Jacobson: Thank you.

### REGULAR CALENDAR (CONT'D.)

#### **HB 1157**, providing for the local option to apply the current use laws. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: The committee feels that this bill would undermine the current use program as it now exists and could if adopted result in the establishment of a variation in the standards for taxation. Vote 13-0.

Adopted.

#### **HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste. **REFER FOR INTERIM STUDY**

Rep. George T. Musler for Environment and Agriculture: This bill bans construction of new medical waste incinerators. Deliberations centered around the phase out and restrictions during the phase out period. All issues were not resolved so the committee recommends Interim Study. Vote 12-2. Adopted.

#### **HB 1382-FN**, revising requirements for restoring excavation sites. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson for Environment and Agriculture: Reclamation of gravel pits is an important concern, but this bill as written, did not resolve many of the problems inherent in gravel removal. Vote 8-5.

Adopted.

#### **HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Theresa Drabinowicz for Executive Departments and Administration: This bill is a house-keeping bill for the New Hampshire Retirement System. There is no financial impact on the retirement system. There are no special account costs for contribution costs. First, it allows members to purchase prior service in manageable increments. For example, a member with ten years of prior service could purchase a year at a time, as her finances permit. Second, it retains the legislature's oversight of the retirement system's "prudent investor" authority, while freeing both the legislature and retirement system of the labor and expenses associated with the arbitrary 5 year review that has been in place since the mid-1980's. Third, it eliminates the labor, expenses, and redundancy associated with preparing the retirement system's biennial "Legislative Report." This report was instituted in 1971 before the retirement system began preparing and distributing their Comprehensive Annual Financial Report, which replicates substantially all the information in the biennial "Legislative Report." Currently, all legislators receive a copy of our Comprehensive Annual Financial Report and will continue to do so. Finally, this bill corrects the implementation date for



health insurance subsidy payments from the retirement system to the state. Correction of this date will result in a retroactive payment to the state for the months of July 2001 through December 2001. There is no special account impact of this correction because it was funded with House Bill 170-FN in the 2001 session. Vote 14-0.

#### Amendment (2376h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Membership; Purchase of Prior Service. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, *the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service.* The amount determined by the actuary [~~shall be the amount withdrawn plus~~] *to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest* from the date of withdrawal to the date of payment [~~for prior service credit at a rate to be determined by the board of trustees~~] *based on the interest rates in effect for each fiscal year.* For all other prior service credit the amount determined by the actuary shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

2 Management of Funds; Review by Legislature. Amend RSA 100-A:15, VIII to read as follows:

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature [~~at least every 5 years. The review by the legislature, after acceptance by the general court, shall be published in the next comprehensive annual investment report of the retirement system. The legislative budget assistant shall inform the speaker of the house and the president of the senate when review is required under this paragraph. The legislative budget assistant shall also monitor compliance by the retirement system of the inclusion of any and all written reviews in the comprehensive annual investment report~~].

3 Retirement System; Administration; Report to Legislature. Amend RSA 100-A:14, IX to read as follows:

IX. In 1970, and at least once in each 5-year period thereafter, the board shall have an actuary make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and a valuation of the assets and liabilities of its funds, and taking into account the result of such investigation and valuation, the board shall adopt such mortality, service and other tables as shall be deemed necessary, and certify the rates of contribution payable under the provisions of this chapter. [~~Commencing in the year 1971, and at 2-year intervals thereafter, the board shall report to the legislature by January 15 on the status of the system and the desirability of any change including a change in rates for members and employers on the basis of the then accumulated experience of the system.~~]

4 Retirement System; State Employees; Medical Benefits; Date Changed. Amend RSA 100-A:52-b, V and VI to read as follows:

V. As of [~~January 1, 2002~~] *July 1, 2001*, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

VI. As of [~~January 1, 2002~~] *July 1, 2001*, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all

or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph III, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Allows for retirement system members who have prior service for which accumulated contributions were withdrawn to purchase a partial amount of such prior service.

II. Removes requirements for legislative review of the investment practices of the retirement system assets.

III. Eliminates a biennial report to the legislature on the status of the retirement system.

IV. Changes the date of the application of certain provisions providing for the payment by the retirement system and the state of the cost of medical benefits for retired state employees.

Adopted.

Report adopted.

Referred to Finance.

**HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill, out of Resources, passed the House on a voice vote. This bill permanently protects the approximate 171,500 acres known as the Connecticut Lakes headwaters tract. This tract will be purchased by the Trust for Public Land, a not for profit corporation, from International Paper Corporation on or before March 29, 2002 and will be recorded in the Coos County registry of deeds. The trust will then facilitate the following:

1) 146,400 acres will be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the Department of Resources and Economic Development (DRED). This easement is being negotiated between DRED and the private buyer, will be approved by the commissioner of DRED and will substantially be in the form of the January 18, 2002 Draft Grant of Conservation Easement and will be guided by the December 7, 2001 final report of the Connecticut Lakes Headwater Partnership Task Force.

2) One hundred acres will be an addition to the Deer Mountain Campground and will be managed by the Department of Resources and Economic Development.

3) The state will become the full fee owner of 25,000 acres in natural areas subject to a conservation easement to be held by a qualified not for profit conservation organization and will be managed by the Fish and Game Department. This conservation easement will be negotiated between the Fish and Game Department and the Nature Conservancy.

This bill will not only protect this significant tract from development, but will allow the economic benefit to our economy of appropriate forest harvesting. This bill also provides perpetual public access for recreation purposes such as snowmobiling, hiking, hunting and fishing.

The bill authorizes a \$10 million bond to pay for the acquisition. The amendment establishes a process for determining the price to be paid by the state for the conservation easement and the fee it is acquiring and clarifies the nature of those interests Vote 15-1.

### Amendment (2485h)

Amend the bill by replacing section 4 with the following:

4 Acquisition of Certain Lands and Rights in Lands.

I. The governor is authorized to expend an amount not to exceed \$10,000,000 to purchase fee real estate and conservation easement interests in Pittsburg, Clarksville, and Stewartstown, New Hampshire consisting of approximately 171,500 acres known as the Connecticut Lakes headwaters tract. The purchase price of such real estate and conservation easement interest shall not exceed the appraised value. The 171,500 acres known as the Connecticut Lakes headwaters tract shall be purchased by The Trust for Public Land, a not-for-profit corporation, from International Paper Corporation on or before March 29, 2002 and such conveyance shall be recorded in the Coos county registry of deeds. The state shall then purchase real estate interests in the tract.

II. Of the acreage described in paragraph I, the state's fee ownership of 25,000 acres in natural areas shall be subject to a conservation easement to be held by a qualified not-for-profit conservation organization or other qualified entity or both, and shall be managed in the public interest by the fish and game department. The conservation easement for such 25,000 acres shall be negotiated between the fish and game department and The Nature Conservancy, shall be substantially in the form of the February 6, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force.

III. Of the acreage under paragraph I, 146,400 acres shall be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the department of resources and economic development. The conservation easement for such 146,000 acres shall be negotiated between the department of resources and economic development and the private buyer and approved by the commissioner of the department of resources and economic development, shall be substantially in the form of the February 6, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force. One hundred acres shall be managed by the department of resources and economic development as an addition to the Deer Mountain campground.

Amend the bill by replacing section 8 with the following:

8 Appropriation. The sum of \$10,000,000 is hereby appropriated to the office of the governor for the purchase of a certain tract of land and conservation easements in the towns of Pittsburg, Clarksville, and Stewartstown, New Hampshire known as the Connecticut Lakes headwaters tract. Rep. Kurk yielded to questions on the committee amendment.

Adopted.

Rep. Kurk requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 338 NAYS 19

### YEAS 338

#### BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

#### CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Slack, Pamela Russell	Smith, Edwin
Weed, Charles	Zerba, Roger		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rodrigue, Robert	Stohl, Eric	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Desrosiers, William	Dionne, David	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Foster, Linda	Furman, Christine	Gargas, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Charles
Herman, Keith	Holden, Randolph	Jean, Claudette	Jean, Loren
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martel, Andre	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, John	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Colcord, J D	Crosby, Toni	Cummings, Raymond
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Robert

Johnson, Rogers  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie  
O'Neil, Michael  
Pitts, Jacqueline  
Quandt, Matthew  
Saia, Pamela  
Splaine, James  
Varrell, Thomas  
Zolla, William

Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Power, Lucille  
Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Weatherspoon, Jacquelyne

Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Palermo, Diane  
Putnam, Ed II  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

### STRAFFORD

Albert, Russell  
Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Twombly, James

Berube, Roger  
Cossette, Larry  
Ferland, Paul  
Harrington, Michael  
Kaen, Naida  
Pelletier, Arthur  
Spang, Judith  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Taylor, Kathleen  
Woodill, Rodney

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Hughes, Christopher  
Lent, Donald  
Reid, Christopher  
Tsiros, William  
Woods, Phyllis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

### NAYS 19 BELKNAP

Boyce, Laurie

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

None

### COOS

Gallus, John

### GRAFTON

Mirski, Paul

### HILLSBOROUGH

Christiansen, Lars  
Martin, Mary Ellen

Hall, Betty  
McRae, Karen

Hopper, Gary

Johnson, Lionel

### MERRIMACK

Kennedy, Richard

Soltani, Tony

Swindlehurst, John

### ROCKINGHAM

Gamm, Kevin  
Weyler, Kenneth

Henderson, Warren

Hutchinson, Karen

Kelley, William

### STRAFFORD

None

### SULLIVAN

Phinzy, James  
and the report was adopted.  
Ordered to third reading.

**HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner. **IN-EXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: The committee determined it would be neither advisable nor effective to create a legal mandate on timely fiscal notes. Rather it would be better to have the Legislative Budget Assistant's Office prepare a list of agencies and departments which have not provided timely fiscal notes and present this list regularly to the chairs of the Finance Committees in both the House and Senate. The Finance Committees would then communicate with those agencies and departments which were not complying with the LBA rule of providing the fiscal notes within 10 business days. For obvious reasons, we would expect a prompt response Vote 15-4.

Rep. P. Judith Sullivan spoke against.  
Rep. Holbrook spoke in favor.  
Rep. Wheeler spoke in favor and yielded to questions.  
Rep. P. Judith Sullivan requested a roll call; sufficiently seconded.  
The question being adoption of the committee report.

**YEAS 263 NAYS 96**

**YEAS 263**

**BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Russell, David	Salatiello, Thomas
Thomas, John	Wood, Jane		

**CARROLL**

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Torresen, Gary			

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Hunt, John	Liebl, George	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Slack, Pamela Russell
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rodrigue, Robert	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass	Ward, Brien	

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Desrosiers, William	Dionne, David	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen

Ford, Nancy  
 Golding, William  
 Guinta, Frank  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lynde, Harold  
 Melcher, Harold  
 Murphy, Robert  
 Pappas, Marc  
 Schulze, Joan  
 Thulander, O Alan

Foster, Linda  
 Goley, Jeffrey  
 Herman, Keith  
 Kacavas, John  
 LaRose, Richard  
 Martel, Andre  
 Messier, Irene  
 O'Connell, Timothy  
 Reeves, Sandra  
 Seibel, Christopher  
 Wheeler, Robert

Furman, Christine  
 Gorman, Mary  
 Jean, Claudette  
 Konys, Christine  
 Lasky, Bette  
 Martin, Mary Ellen  
 Milligan, Robert  
 Palangas, Eric  
 Rowe, Robert  
 Shaw, Barbara  
 White, John

Gargas, Carolyn  
 Greenberg, Gary  
 Jean, Loren  
 Kurk, Neal  
 Leishman, Peter  
 McDonough-Wallace, Alice  
 Movsesian, Lori  
 Panagopoulos, Nicholas  
 Sargent, Maxwell  
 Spiess, Paul

### MERRIMACK

Anderson, Eric  
 Clarke, Claire  
 Davis, Frank  
 Gile, Mary  
 L'Heureux, Stephen  
 Moore, Carol  
 Rush, Deanna  
 Whalley, Michael

Bouchard, Candace  
 Colcord, J D  
 Feuerstein, Martin  
 Greco, Vincent  
 Leber, William  
 Owen, Derek  
 Seldin, Gloria  
 Yeaton, Charles

Brewster, Richard  
 Crosby, Toni  
 Fraser, Leo Jr  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Potter, Frances  
 Swindlehurst, John

Burney, Carol  
 Cummings, Raymond  
 French, Barbara  
 Jacobson, Alf  
 MacKay, James  
 Reardon, Tara  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Coes, Betsy  
 Dowling, Patricia  
 Gilbert, Jeffrey  
 Henderson, Warren  
 Kane, Cecelia  
 Kobel, Rudolph  
 McGuire, Robert  
 Norelli, Terie  
 Pitts, Jacqueline  
 Saia, Pamela  
 Stone, Joseph  
 Welch, David

Belanger, Ronald  
 Case, Margaret  
 Cooney, Richard  
 Downing, Michael  
 Giordano, Ronald  
 Holland, James Jr  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Ronald  
 Rausch, James  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Whittier, John

Blanchard, MaryAnn  
 Clark, Martha Fuller  
 Dalrymple, Janeen  
 Flanders, John Sr  
 Griffin, Mary  
 Johnson, Robert  
 Katsakiores, Phyllis  
 Langone, John  
 Micklon, Stephanie  
 O'Neil, Michael  
 Robertson, Carl  
 Sloan, Stephen  
 Trueman, Raymond  
 Zolla, William

Bowles, Raimond  
 Clark, Vivian  
 Dearborn, Bruce  
 Francoeur, Sheila  
 Hamel, Albert  
 Johnson, Rogers  
 Kelley, Jane  
 Major, Norman  
 Morse, Charles  
 Packard, Sherman  
 Ruffner, Walter  
 Splaine, James  
 Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Reid, Christopher

Brennan, William  
 Estabrook, Iris  
 Hughes, Christopher  
 Lent, Donald  
 Spang, Judith

Brown, Julie  
 Ferland, Paul  
 Johnson, Nancy  
 McCarthy, Gerald  
 Wall, Janet

Cossette, Larry  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Woodill, Rodney

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Jones, Constance  
 Robb, Amy

Burling, Peter  
 Franklin, Peter  
 Leone, Richard  
 Rodeschin, Beverly

Cloutier, John  
 Harris, Joseph  
 Odell, Bob

Ferland, Brenda  
 Harris, Sandra  
 Phinizy, James

### NAYS 96

### BELKNAP

Boyce, Laurie

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Kenney, Joseph

Sullivan, P Judith

**CHESHIRE**

Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler	Weed, Charles
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**COOS**

None

**GRAFTON**

Alger, John	Giuda, Robert	Lovett, Sid	Mirski, Paul
Sova, Charles	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Artz, Lawrence	Balboni, Michael	Balcom, John
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bruno, Pierre
Christiansen, Lars	Dionne, Kimberley	Dokmo, Cynthia	Ginsburg, Ruth
Gleneck, David	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Haley, Robert	Hall, Betty	Hall, Charles	Holden, Randolph
Hopper, Gary	Keye, Harvey	LaFlamme, Paul	Leach, Edward
Lessard, Rudy	McHugh, Claire	McRae, Karen	Mercer, Robert
Moran, Edward	Pepino, Leo	Peterson, Andrew	Salts, Greg
Souza, Kathleen	Sullivan, Peter	Sweeney, Cynthia	Thompson, Rob
Vaillancourt, Steve	White, Donald	Williams, Carol	

**MERRIMACK**

Dunne, Christopher	Hutchinson, John	Langer, Ray	Maxfield, Roy
Perkins, Randy	Rodd, Beth	Soltani, Tony	

**ROCKINGHAM**

Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Corbin, Corey
DiFruscia, Anthony	Dumaine, Dudley	Gilbert, Karl	Gleason, John
Hill, Jonathan	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Kelley, William	Letourneau, Robert	Palermo, Diane	Pantelakos, Laura
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Sapareto, Frank	Varrell, Thomas	Weyler, Kenneth	

**STRAFFORD**

Albert, Russell	Bickford, David	DeChane, Marlene	Gilmore, Gary
Goodwin, Earle	Harrington, Michael	Proulx, Raymond	Rollo, Michael
Taylor, Kathleen	Tsiros, William	Twombly, James	Woods, Phyllis

**SULLIVAN**

None  
and the report was adopted.

**HB 1411-FN-A, relative to transfer of funds for district and probate court security. OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: This bill asks the General Court to transfer from the Department of Corrections capital budget the \$300,000 required to offset the unanticipated costs of implementing district court security changes required by the budget. The Committee feels that monies for the operating budget should not be bonded, but rather come from general funds. Therefore, the amendment makes that change. Vote 18-0.

**Amendment (2475h)**

Amend the title of the bill by replacing it with the following:  
AN ACT making an appropriation to the judicial branch for district and probate court security.  
Amend the bill by replacing all after the enacting clause with the following:  
1 Appropriation; Judicial Branch; District and Probate Court Security. In addition to any other sums appropriated to the judicial branch, the sum of \$300,000 is hereby appropriated to PAU 02, 01, 06,



class 90, district and probate security, for the fiscal year ending June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill makes an appropriation to the judicial branch for district and probate court security. Adopted.

Report adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the rules be so far suspended as to permit third reading and final passage at the present time of *HB 1411-FN-A*, making an appropriation to the judicial branch for district and probate court security.

Adopted by the necessary two-thirds.

### THIRD READING MOTION ON HOUSE BILL 1411

Rep. Scanlan moved that *HB 1411-FN-A*, making an appropriation to the judicial branch for district and probate court security, be read a third time and passed.

Adopted.

**HB 1178-FN**, relative to the recreational taking of lobster by scuba diving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert J. L'Heureux for the Majority of Fish and Game: This bill would have allowed the taking of lobster by scuba diving. It was the feeling of the majority of the committee that, if passed, this legislation would have had a detrimental impact on the lobster resource. Massachusetts, with its large coastal area, allows this method of taking, and their 6000 license scuba lobster fishermen are figured into the impact on the resource. According to testimony, New Hampshire's 18 miles of coastline would be severely impacted if scuba diving was permitted. New Hampshire now licenses recreational lobstering and commercial lobstermen have no objection to this form of taking lobster. Scuba diving would be an active, aggressive hunt while trapping is passive, (the lobsters crawl into the traps) and this puts all lobster fisherman on an equal footing. Because of management, biological, social, and law enforcement concerns, this bill was opposed by the New Hampshire Wildlife Federation, the Commercial Fishermen's Association, the Coastal Conservation Association, the Atlantic States' Marine Fisheries Commission, and New Hampshire Fish and Game Department. Vote 13-5.

Rep. Gary S. Hopper for the Minority of Fish and Game: The minority of the committee strongly believes that, with proper regulation by the NH Fish and Game Department, recreational diving for personal use would present a negligible impact to the commercial lobster industry. The states of Rhode Island, Connecticut, and Massachusetts have allowed recreational diving for lobster for over 35 years. Massachusetts tracks this taking and has found it to be less than 1% of the total lobster catch. Opponents of this bill stated that enforcement would present a problem. Our NH Fish and Game Department currently has the authority to inspect boat and individuals – including divers – to ensure that all catches taken from the ocean comply with the law. How difficult can it be for our fit and trim law enforcement personnel to catch a diver loaded down with a hundred pounds of diving gear and a bag of lobsters? Through education, training, and experience, most scuba divers are acutely aware of and have a great appreciation for all life in the sea. Scuba divers and diving clubs have been at the forefront of efforts to preserve and protect the marine environment. Opponents said divers would harm the habitat by turning over a few rocks when looking for a lobster. However, no evidence was provided to support this accusation. Opponents stated that this bill would allow divers to steal lobsters from existing traps. This assumes that divers are inherently more dishonest than the other citizens of this great state. In contrast, we heard testimony that currently some commercial lobstermen steal lobster from other peoples' traps. Shall we now prevent all commercial lobstermen from taking lobster because a few are dishonest? We should not unduly restrict the citizens of the Live Free or Die state and deny them their freedom to access the bounty of the sea simply because they have no commercial interest. After all, even lobsters are a NH resource that belongs to all of us.

Reps. Harrington and Balboni spoke against and yielded to questions.

Rep. Mirski spoke against.

Reps. Robert L'Heureux and Stohl spoke in favor.  
Rep. Scanlan requested a roll call; sufficiently seconded.  
The question being adoption of the majority report.

**YEAS 261 NAYS 92****YEAS 261****BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran	Wood, Jane		

**CARROLL**

Dickinson, Howard	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Roberts, William
Slack, Pamela Russell	Smith, Edwin	Weed, Charles	Zerba, Roger

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Teschner, Douglass
Ward, Brien			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Balcom, John
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Ford, Nancy	Foster, Linda	Furman, Christine
Gleneck, David	Gonzalez, Carlos	Gorman, Mary	Guinta, Frank
Haley, Robert	Hall, Charles	Herman, Keith	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Leishman, Peter
Martel, Andre	McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Murphy, Robert
O'Connell, Timothy	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Shaw, Barbara	Spieß, Paul	Sullivan, Peter	Sweeney, Cynthia
Thulander, O Alan	Wheeler, Robert	White, John	Williams, Carol

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Burney, Carol	Clarke, Claire
Crosby, Toni	Cummings, Raymond	Davis, Frank	Feuerstein, Martin

Fraser, Leo Jr  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Whalley, Michael

French, Barbara  
L'Heureux, Stephen  
MacKay, James  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Swindlehurst, John

Greco, Vincent  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Pitts, Jacqueline  
Rausch, James  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Belanger, Ronald  
Carson, Sharon  
Coes, Betsy  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Henderson, Warren  
Kane, Cecelia  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Splaine, James  
Varrell, Thomas  
Zolla, William

Blanchard, MaryAnn  
Case, Margaret  
Cooney, Richard  
Dowling, Patricia  
Gilbert, Karl  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Clark, Martha Fuller  
Corbin, Corey  
Flanders, John Sr  
Giordano, Ronald  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Pantelakos, Laura  
Quandt, Matthew  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Ferland, Paul  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Twombly, James

Berube, Roger  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Spang, Judith  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
Proulx, Raymond  
Taylor, Kathleen  
Woodill, Rodney

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Reid, Christopher  
Tsiros, William

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard  
Rodeschin, Beverly

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

### NAYS 92

### BELKNAP

Boyce, Laurie

Flanders, Donald

### CARROLL

Babson, David Jr

Sullivan, P Judith

Torressen, Gary

### CHESHIRE

Emerson, Susan

Liebl, George

Manning, Joseph

### COOS

Gallus, John

Pratt, Leighton

### GRAFTON

Alger, John  
Gilman, G Michael  
Williams, Burton

Cobb, John  
Giuda, Robert

Dudley, Terri  
Mirski, Paul

Gabler, William  
Sova, Charles

### HILLSBOROUGH

Artz, Lawrence  
Bruno, Pierre  
Dionne, Kimberley

Balboni, Michael  
Cardin, Lori  
Dyer, Merton

Bergeron, Jean-Guy  
Christiansen, Lars  
Elliott, Larry

Bouchard, David  
Dionne, David  
Fields, Dennis

Flora, Kathleen	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Goulet, Maurice	Graham, John	Greenberg, Gary
Hall, Betty	Hopper, Gary	Jean, Loren	Konys, Christine
LaFlamme, Paul	Lasky, Bette	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	Moran, Edward	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Salts, Greg	Seibel, Christopher
Souza, Kathleen	Thompson, Rob	Vaillancourt, Steve	White, Donald

### MERRIMACK

Brewster, Richard	Colcord, J D	Dunne, Christopher	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	Seldin, Gloria	Soltani, Tony

### ROCKINGHAM

Camm, Kevin	Chalbeck, Kevin	Dearborn, Bruce	Downing, Michael
Dumaine, Dudley	Gleason, John	Hamel, Albert	Hill, Jonathan
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Kelley, William
Letourneau, Robert	McGuire, Robert	Micklon, Stephanie	Power, Lucille
Saia, Pamela	Sapareto, Frank	Weyler, Kenneth	

### STRAFFORD

Bickford, David	Harrington, Michael	Kaen, Naida	Pelletier, Arthur
Woods, Phyllis			

### SULLIVAN

Franklin, Peter  
and the majority report was adopted.

### SPECIAL ORDERS

**HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Fish and Game: The intent of this bill was to provide a method of locating absent parents and collecting child support. This bill would require that all recreational license applications of the Fish and Game Department record the social security number of the person applying for the license. Any person purchasing a recreational license, for example a fishing license, would be required to provide to the issuing agent his or her social security number. The Fish and Game Department has 286 license agents in New Hampshire, Massachusetts, and Vermont. The process of obtaining this fishing license is to simply go to one of the agents and they will record the required information directly onto the license itself. There is no separate application form for the license. RSA 214:1 requires that "the license shall be subject to inspection on demand of any person" which would allow any person to have access to the social security number on the license. Fish and Game has estimated that it would cost \$939,784 for a three year period to implement the collection of social security numbers on recreational licenses. Also the committee received written testimony from a state agency stating that requiring social security numbers on recreational licenses "will not increase our program's efficiency or effectiveness in locating absent parents and collecting child support. Vote 15-1.  
Adopted.

**HB 1209**, relative to a civil rights act for health care providers. **INEXPEDIENT TO LEGISLATE**  
Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: In this bill the definition of a healthcare provider includes "but is not limited to: physician, physician's assistant, nurse, nurses aide, medical assistant, hospital employee, clinic employee, nursing home employee, pharmacist, pharmacy employee, medical school student, medical school employee, or any professional, para-professional, or any other person who furnishes, or assists in the furnishing of, healthcare services" Because of a religious belief, or a moral, ethical, or philosophical conviction some individuals may have a conscientious objection to participating in certain healthcare procedures "including, but not limited to, abortion, artificial insemination, artificial contraception, cloning, human stem cell and fetal experimentation, withdrawal of nutrition and hydration, physician-assisted suicide and euthanasia." The bill proposed to ensure that healthcare providers': 1) religious beliefs or rights of con-

science are protected; 2) refusal to participate in certain medical procedures based on their religious, philosophical, or moral convictions is allowed; and 3) protection against reprisal for objecting to participate in certain medical procedures is assured. Although a minority in the committee found some merit to the bill, the majority was concerned that it was much too broad in scope. There was a concern that patients might have their health and civil rights compromised by being denied important information, referrals, and medical procedures. Healthcare professionals have certain responsibilities and are licensed to perform medical procedures. It behooves them to choose areas or specialties which would not put them into situations which might compromise their religious or moral beliefs. Patients should not be placed at risk or denied legal services, medical procedures, drugs, or relevant medical information because of the personal beliefs of healthcare providers. In the opinion of the majority, we currently have federal statutes that cover civil rights. Furthermore, passage of this bill would restrict the ability to have access to adequate healthcare in New Hampshire. If an individual cannot participate in a particular medical procedure (based on their personal convictions or beliefs), that should be addressed at the time of the hiring process, not when a particular medical need is present, perhaps in a medical emergency situation. Vote 9-4.

Rep. Souza spoke against.

Rep. Millham spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 276 NAYS 60

### YEAS 276

#### BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Salatiello, Thomas	Thomas, John
Wood, Jane			

#### CARROLL

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espiels, Peter	Hunt, John
Liebl, George	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Slack, Pamela Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

#### COOS

Davis, Perley	Horton, Lynn	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Gabler, William
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Williams, Burton		

#### HILLSBOROUGH

Alukonis, David	Andosca, Mary	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bouchard, David
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert

Dionne, David  
Fields, Dennis  
Furman, Christine  
Goley, Jeffrey  
Guinta, Frank  
Herman, Keith  
Konyes, Christine  
LaRose, Richard  
Lynde, Harold  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Schulze, Joan  
Vaillancourt, Steve  
Williams, Carol

Drisko, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Haley, Robert  
Holden, Randolph  
Kirk, Neal  
Lasky, Bette  
Martin, Mary Ellen  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Shaw, Barbara  
Wheeler, Robert

Eaton, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Jean, Claudette  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Milligan, Robert  
Palangas, Eric  
Rowe, Robert  
Sweeney, Cynthia  
White, Donald

Elliott, Larry  
Foster, Linda  
Golding, William  
Graham, John  
Hall, Charles  
Johnson, Lionel  
LaFlamme, Paul  
Leishman, Peter  
Melcher, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Sargent, Maxwell  
Thulander, O Alan  
White, John

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Colcord, J D  
Dunne, Christopher  
Gile, Mary  
L'Heureux, Stephen  
MacKay, James  
Perkins, Randy  
Rush, Deanna  
Whalley, Michael

Brewster, Richard  
Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Burney, Carol  
Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
Leber, William  
Moore, Carol  
Reardon, Tara  
Swindlehurst, John

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Pantelakos, Laura  
Robertson, Carl  
Stone, Joseph  
Welch, David

Blanchard, MaryAnn  
Case, Margaret  
Cooney, Richard  
Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

Bowles, Raimond  
Clark, Martha Fuller  
Corbin, Corey  
Downing, Michael  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
O'Neil, Michael  
Putnam, Ed II  
Shultis, Elizabeth  
Trueman, Raymond

Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Kane, Cecelia  
Kelley, William  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Rausch, James  
Sloan, Stephen  
Weatherspoon, Jacquelyne

### STRAFFORD

Beube, Roger  
Cossette, Larry  
Gilmore, Gary  
Heon, Richard  
Pelletier, Arthur  
Rollo, Michael  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith  
Woodill, Rodney

Brennan, William  
Dunlap, Patricia  
Grassie, Anne  
Knowles, William  
Proulx, Raymond  
Taylor, Kathleen

Brown, Julie  
Estabrook, Iris  
Harrington, Michael  
Lent, Donald  
Reid, Christopher  
Tsiros, William

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinzy, James

**NAYS 60  
BELKNAP**

Boyce, Laurie	Rosen, Ralph	Wendelboe, Fran
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**CARROLL**

Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Fairbanks, Chandler	Manning, Joseph
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**COOS**

Guay, Lawrence
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**GRAFTON**

Dudley, Terri	Gilman, G Michael	Giuda, Robert	Mirski, Paul
Sova, Charles	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson	Balboni, Michael	Bergeron, Jean-Guy	Bragdon, Peter
Bruno, Pierre	Christiansen, Lars	Clegg, Robert Jr	Desrosiers, William
Dionne, Kimberley	Drabinowicz, A Theresa	Flora, Kathleen	Gonzalez, Carlos
Hopper, Gary	Jean, Loren	Martel, Andre	McHugh, Claire
Moran, Edward	Pepino, Leo	Salts, Greg	Souza, Kathleen
Sullivan, Peter	Thompson, Rob		

**MERRIMACK**

Kennedy, Richard	Soltani, Tony
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**ROCKINGHAM**

Arndt, Janet	Carson, Sharon	Chalbeck, Kevin	DiFruscia, Anthony
Dumaine, Dudley	Hamel, Albert	Hill, Jonathan	Introne, Robert
Itse, Daniel	Letourneau, Robert	Palermo, Diane	Power, Lucille
Quandt, Marshall	Quandt, Matthew	Sapareto, Frank	Varrell, Thomas
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	McCarthy, Gerald	Twombly, James	Woods, Phyllis
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**SULLIVAN**

None  
and the report was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1251, relative to the use of mercury amalgam fillings by dentists. OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Amalgam tooth restorative material has been an area of debate for many years. The original bill to ban the use of amalgam in children under six years of age and women of childbearing age cannot be supported completely by current scientific information. Because enough question still remain unanswered, the committee unanimously agreed that making information available to the citizens of New Hampshire so they can make informed decisions about the material used for repairing dental caries is an appropriate move. In addition, the dentist will discuss, with the patient, the choices of restorative material available to them along with the risks and advantages. The bill also directs dental offices to used environmentally appropriate disposal equipment for amalgam waste. Vote 15-0.

**Amendment (2446h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Mercury Amalgam. Amend RSA 317-A by inserting after section 37 the following new subdivision:

Mercury Amalgam

317-A:38 Mercury Amalgam; Information.

I. A dentist shall present patients having dental restorative procedures with a standardized pamphlet developed by the board in consultation with the department of health and human services regarding the risks and benefits of dental materials, including mercury amalgam, and shall discuss with the patient the choices of restorative dental materials prior to their use.

II. The board may adopt rules pursuant to RSA 541-A concerning the environmentally-appropriate disposal of mercury under paragraph I.

2 New Paragraph; Mercury Amalgam; Information. Amend RSA 126-A:3 by inserting after paragraph V the following new paragraph:

VI. The department shall provide information to the citizens of New Hampshire, within its existing resources, about the risks and benefits of dental restorative materials including the use of amalgam in children under the age of 6.

3 New Paragraph; Mercury Amalgams. Amend RSA 125-M:3 by inserting after paragraph III the following new paragraph:

IV. Dental offices shall use environmentally appropriate disposal equipment for amalgam waste to trap and dispose of mercury.

4 New Paragraph; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. The disposal of dental office amalgam waste under RSA 125-M:3, IV.

5 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill requires the department of health and human services to provide information on restorative dental materials, and requires dentists to dispose of mercury amalgam waste in an environmentally-appropriate manner according to rules established by the department of environmental services. Adopted.

Report adopted and ordered to third reading

### **HB 1367-FN, relative to the childhood lead poisoning prevention program. OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Department of Health and Human Services has worked for years to protect children, in particular, from lead poisoning. The Department reports that the number of children with lead poisoning has been steadily decreasing. This bill, as amended, brings the state into agreement with federal regulations as required by state statute. In addition, this bill will trigger investigations at the blood level of 15 micrograms or higher. This amendment attempts to protect children from the serious effects of lead poisoning and the rights of property owners. Vote 19-0.

### **Amendment (2258h)**

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Duties of Commissioner. Amend RSA 130-A:2, I by inserting after subparagraph (k) the following new subparagraph:

(l) Develop educational materials in accordance with RSA 130-A:5.

4 Investigations. Amend RSA 130-A:5, II to read as follows:

*II. The commissioner shall investigate cases of lead poisoning in children, reported under RSA 141-A, whose blood lead level meets or exceeds 15 micrograms per deciliter of whole venous blood as reported on 2 separate, consecutive tests when the blood samples have been collected at least 90 days apart. Such investigations shall include, but not be limited to:*

*(a) An inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed to by the department and the owner or owner's agent, for the purposes of identifying the presence of lead base substances. When a lead exposure hazard is determined to exist, the commissioner shall provide a notice to the owner or the owner's agent and shall also provide information on the health consequences of lead poisoning and procedures for lead hazard reduction. The notice shall also be provided to the occupant, the health authority, and the child's health care provider. The department shall not have the authority to issue an order of lead hazard reduction following inspections conducted under this paragraph.*

*(b) Failure, without good cause, on the part of the owner or owner's agent to appear at the inspection, at the mutually agreed to time, shall be subject to penalties set forth in RSA 130-A:14.*



**III.** The commissioner may request health authorities to assist in such investigations.

5 Property Owner Notification. Amend RSA 130-A:6-a, I and II to read as follows:

I. The department shall make reasonable efforts to notify in writing the owner of a dwelling or dwelling unit where the child resides if lead levels of [15] 10 to 19.9 micrograms per deciliter are found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction.

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a blood level of [15] 10 to 19.9 micrograms per deciliter shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the department pursuant to paragraph I, is based on the child's elevated blood lead level. If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the department discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

6 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill makes the following changes to the lead paint poisoning prevention and control law:

(1) Amends certain definitions to conform to federal law.

(2) Requires the commissioner of health and human services to investigate certain cases of lead poisoning in children.

This bill is a request of the department of health and human services.

Adopted.

Report adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 1412-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: HB 1412 triggered many questions on confidentiality and reliability issues of the data. Forty-seven states currently maintain statistics on induced termination of pregnancies. The Department of Public Health will survey how these states compile the data while assuring accuracy and confidentiality. More information is needed and more study is required. The results can then be used in crafting the future legislation. Vote 15-0. Adopted.

### SPECIAL ORDER

**HB 1129**, relative to discriminatory practices by owners of public accommodations. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Judiciary: The proposed legislation was proposed to prohibit the practice of banning a person's entry in public accommodations based on their mode of transportation and/or clothing. The committee heard testimony that some restaurants and other public accommodation had refused entry based on a person's clothing and mode of transportation specifically motorcycles and leathers. The supporters of this bill felt strongly that this practice is discriminatory and the prohibition of this activity be added to the state discrimination statute. The committee, though sympathetic to the sponsor and supporters of the bill, felt strongly that the state should not elevate one's mode of transportation and clothing to the same level of importance enumerated in the discrimination statute's scope of prohibited conduct. Vote 11-0.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1236-FN**, abolishing the marital master program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Elliott for the Majority of Judiciary: This bill, as submitted, would have abolished the marital masters program in the superior courts. This bill, as amended by the committee, calls for a study on the appropriate jurisdiction for divorce cases. The bill requires a study of the adjudication of divorce cases pursuant to Part 2, Article 76 of the State Constitution. The study shall pay special attention to financial resources, physical space and personnel issues of divorce cases.

In the event that the committee is not able to complete its work in a timely manner, the committee would be encouraged to ask for reauthorization in the next legislative session. The reason for this proposed study is that as a result of testimony provided by members of the judicial branch, the committee learned that in a significant number of cases, the final work product of marital masters is not adequately reviewed by the judges who authorize the final decree. This weak judicial review is not consistent with what the legislature envisioned when the marital masters program was initially approved. Vote 11-8.

Rep. James W. Craig for the Minority of Judiciary: The minority agrees with the majority in that this is an important issue that should be studied. However, the minority believes that, because the issue is so complex, a study committee should receive input from the courts, marital masters, financial impact, etc., and that a second-year study committee cannot do justice to the issue. The minority feels that a statutory study commission should be appointed next term which can deal with this substantial issue in a proper manner.

### **Majority Amendment (2462h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution. Part 2, article 76 of the New Hampshire constitution states that "All causes of marriage, divorce and alimony; and all appeals from the respective judges of probate shall be heard and tried by the superior court until the legislature shall by law make other provisions."

#### **2 Membership and Compensation.**

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the adjudication of divorce cases, pursuant to part 2, article 76 of the New Hampshire constitution. In making its study and recommendations, the committee shall consider:

I. The caseload of each court and the effect shifting divorce cases between courts would have on each court's caseload.

II. The allocation of resources to each court, including but not limited to:

(a) Financial resources.

(b) Physical space.

(c) Personnel.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 4, 2002.

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study the adjudication of divorce cases pursuant to Part 2, article 76 of the New Hampshire constitution.

Majority amendment adopted.

Rep. Jacobson spoke against.

Rep. Mock spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 216 NAYS 132****YEAS 216  
BELKNAP**

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Salatiello, Thomas

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr  
Thomas, John

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

Flanders, Donald  
Nedeau, Stephen  
Russell, David

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torresen, Gary

Lyman, L Randy  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Elliott, Larry  
Furman, Christine  
Graham, John  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Martin, Mary Ellen  
Moran, Edward  
Rowe, Robert  
Thompson, Rob  
White, Donald

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Golding, William  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Lefebvre, Roland  
McRae, Karen  
O'Connell, Timothy  
Salts, Greg  
Thulander, O Alan

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Fletcher, Richard  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Leishman, Peter  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Vaillancourt, Steve

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Flora, Kathleen  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Souza, Kathleen  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Leber, William  
Soltani, Tony

Colcord, J D  
Fraser, Leo Jr  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
Langer, Ray  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Clark, Vivian

Belanger, Ronald  
Carson, Sharon  
Coes, Betsy

Bowles, Raimond  
Case, Margaret  
Corbin, Corey

Bridle, Russell  
Chalbeck, Kevin  
Dalrymple, Janeen

Dearborn, Bruce  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald  
Power, Lucille  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas

DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Morse, Charles  
Palermo, Diane  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

**STRAFFORD**

Albert, Russell  
Gilmore, Gary  
Tsiros, William

Bickford, David  
Harrington, Michael  
Twombly, James

Cossette, Larry  
Heon, Richard  
Woods, Phyllis

Dunlap, Patricia  
Reid, Christopher

**SULLIVAN**

Flint, Gordon Sr  
Robb, Amy

Franklin, Peter  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

**NAYS 132  
BELKNAP**

Johnson, William

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espieffs, Peter  
Pratt, Irene  
Weed, Charles

**COOS**

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Gargas, Carolyn  
Haley, Robert  
Lasky, Bette  
Messier, Irene  
Panagopoulos, Nicholas  
Spiess, Paul  
Williams, Carol

Baroody, Benjamin  
Cardin, Lori  
Craig, James  
Drabinowicz, A Theresa  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Betty  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
Sullivan, Peter

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Drisko, Richard  
Ford, Nancy  
Goley, Jeffrey  
Jean, Claudette  
McHugh, Claire  
Murphy, Robert  
Schulze, Joan  
Sweeney, Cynthia

Bergin, Peter  
Cote, David  
Dionne, David  
Dwyer, Paul  
Foster, Linda  
Gorman, Mary  
Kony, Christine  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
White, John

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Cooney, Richard	Johnson, Robert
Kane, Cecelia	Langley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Shultis, Elizabeth	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Estabrook, Iris	Goodwin, Earle	Grassie, Anne	Hughes, Christopher
Johnson, Nancy	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Harris, Joseph	Harris, Sandra	Jones, Constance	Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

**HB 1249**, adopting the model Drug Dealer Liability Act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Tony F. Soltani for Judiciary: This uniform act has been adopted in several states. This bill provides a right of action against illegal drug dealers. Innocent bystanders have been harmed or have incurred damages as a result of illegal drug trafficking. The drug dealers' assets will be exposed to loss and they may be sued by hospitals, accident or crime victims, and rescue and emergency response systems, according to the volume of illegal drugs sold by the offender. In states utilizing this act, the results have been favorable to the victims and unfortunate for the drug dealers. This bill fights drug activity without using government resources. Vote 10-9.

**Amendment (2437h)**

Amend RSA 318-C:14 as inserted by section 1 of the bill by replacing it with the following:

**318-C:14 Prejudgment Attachment and Execution on Judgments.**

I. A plaintiff under this chapter, subject to paragraph II, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award or if the defendant posts a bond sufficient to cover a potential award.

II. Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Adopted.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 306 NAYS 45**

**YEAS 306****BELKNAP**

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida

Nedeau, Stephen  
Russell, David  
Wood, Jane

Pilliod, James  
Salatiello, Thomas

Rice, Thomas Jr  
Thomas, John

Rosen, Ralph  
Wendelboe, Fran

### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torresen, Gary

Lyman, L Randy  
Quimby, Lee

### CHESHIRE

Allen, Peter  
Emerson, Susan  
Manning, Joseph  
Slack, Pamela Russell

Avery, Stephen  
Fairbanks, Chandler  
Mitchell, McKim  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Richardson, Barbara  
Weed, Charles

Dexter, Judson  
Liebl, George  
Roberts, William  
Zerba, Roger

### COOS

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David  
Ward, Brien

Alger, John  
Dudley, Terri  
Giuda, Robert  
Mirski, Paul  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Sova, Charles

Cobb, John  
Gabler, William  
Lovett, Sid  
Nordgren, Sharon  
Teschner, Douglass

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bellavance, Paul  
Bragdon, Peter  
Calawa, Leon Jr  
Christensen, D L Chris  
Cote, David  
Daigle, Robert  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gargas, Carolyn  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bergeron, Jean-Guy  
Brundige, Robert  
Cardin, Lori  
Christiansen, Lars  
Cote, Peter  
Desrosiers, William  
Drabinowicz, A Theresa  
Elliott, Larry  
Ford, Nancy  
Ginsburg, Ruth  
Gorman, Mary  
Haley, Robert  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
Melcher, Harold  
Moran, Edward  
Palangas, Eric  
Peterson, Andrew  
Schulze, Joan  
Sullivan, Peter  
Wheeler, Robert

Andosca, Mary  
Baroody, Benjamin  
Bergin, Peter  
Bruno, Pierre  
Carlson, Donald  
Clegg, Robert Jr  
Coughlin, Pamela  
Dionne, David  
Drisko, Richard  
Fields, Dennis  
Foster, Linda  
Golding, William  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
L'Heureux, Robert  
Leach, Edward  
Martin, Mary Ellen  
Mercer, Robert  
Movesian, Lori  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Thompson, Rob  
White, Donald

Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Buckley, Raymond  
Chabot, Robert  
Clemons, Jane  
Craig, James  
Dionne, Kimberley  
Dwyer, Paul  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Graham, John  
Holden, Randolph  
Johnson, Lionel  
LaFlamme, Paul  
Lefebvre, Roland  
McHugh, Claire  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Thulander, O Alan  
White, John

### MERRIMACK

Anderson, Eric  
Davis, Frank

Brewster, Richard  
Dunne, Christopher

Colcord, J D  
Feuerstein, Martin

Cummings, Raymond  
Fraser, Leo Jr

French, Barbara  
Kennedy, Richard  
MacKay, James  
Rodd, Beth  
Whalley, Michael

Greco, Vincent  
Langer, Ray  
Maxfield, Roy  
Rush, Deanna  
Yeaton, Charles

Hutchinson, John  
Leber, William  
Perkins, Randy  
Soltani, Tony

Jacobson, Alf  
Lockwood, Priscilla  
Reardon, Tara  
Swindlehurst, John

## ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Clark, Martha Fuller  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Dumaine, Dudley  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Matthew  
Saia, Pamela  
Splaine, James  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Power, Lucille  
Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Welch, David

## STRAFFORD

Albert, Russell  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Twombly, James

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
McCarthy, Gerald  
Spang, Judith  
Wall, Janet

Brown, Julie  
Gilmore, Gary  
Hughes, Christopher  
Pelletier, Arthur  
Taylor, Kathleen  
Woodill, Rodney

Cossette, Larry  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Marsha  
Tsiros, William  
Woods, Phyllis

## SULLIVAN

Burling, Peter  
Harris, Joseph  
Robb, Amy

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Odell, Bob

## NAYS 45

## BELKNAP

None

## CARROLL

None

## CHESHIRE

Batchelder, Robert  
Pratt, Irene

Espiefs, Peter  
Pratt, John

McGuirk, Paul

Meador, David

## COOS

Rodrigue, Robert

## GRAFTON

Almy, Susan

Benn, Bernard

Sokol, Hilda

Solow, Martha

## HILLSBOROUGH

Eaton, Richard  
Sweeney, Cynthia

Hall, Betty  
Williams, Carol

Herman, Keith

Leishman, Peter

**MERRIMACK**

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Gile, Mary	Moore, Carol	Owen, Derek	Potter, Frances
Seldin, Gloria	Wallner, Mary Jane		

**ROCKINGHAM**

Blanchard, MaryAnn	Francoeur, Sheila	Kane, Cecelia	Kelley, William
Norelli, Terie	Pitts, Jacqueline	Weatherspoon, Jacquelyne	

**STRAFFORD**

Bickford, David	Brennan, William	Estabrook, Iris	Harrington, Michael
Lent, Donald	Proulx, Raymond	Reid, Christopher	

**SULLIVAN**

Allison, David	Franklin, Peter	Harris, Sandra	Phinizy, James
----------------	-----------------	----------------	----------------

and the report was adopted.

Ordered to third reading.

Rep. Sandra Harris voted nay and intended to vote yea.

**HB 1307**, relative to the Dover-Somersworth-Durham district court. **INEXPEDIENT TO LEGISLATE**  
 Rep. Larry G. Elliott for Judiciary: The majority of the committee, although sympathetic to the citizens of Somersworth, was unable to agree to keep open the Somersworth District Court. The arguments presented for the Somersworth District Court were closely aligned to the arguments used to keep open the Durham District Court. Last year the committee felt that the Durham District Court had unique circumstances, a unique population of college students, and student transportation issues to which do not exist for Somersworth. In addition, a part of the financial consideration for the Dover District Court was based on caseload, and by removing the Somersworth caseload, it would further reduce the workload and financial advantages for the consolidation in Dover. The judiciary committee is hesitant to step on the slippery slope of undoing the Court Consolidation Act passed a few years ago. The legislature wishes to encourage the courts to work openly with each community during the consolidation process. The legislature further encourages the court to set forth a clear criteria on how the consolidation shall be performed and that the donation of land should not be the sole criteria, although it is a valid consideration; however, the overriding consideration should be the efficiency of justice for the citizens of the state. Although we are willing to look at unique circumstances such as the Durham District Court, we are unwilling to encourage a review of each individual consolidation merely because those being consolidated do not like the location of the new court. Vote 15-4.  
 Adopted.

**HB 1316**, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property. **INEXPEDIENT TO LEGISLATE**  
 Rep. Robert H. Rowe for Judiciary: This bill would amend the rule against perpetuities which states that a trust must end and the trust properties must be distributed to beneficiaries of the trust within "a life in being", at the time the trust was established, plus 21 years. The purpose of the rule is to prevent the trust donor from controlling his or her property from the grave for hundreds of years. Public policy dictates that property should vest within a certain period of time and not held by trustees for centuries. The committee feels that it may be in the interest of New Hampshire to study the enacting of a longer and more specific term of years for a trust life. Vote 15-4.  
 Rep. Moran spoke against and yielded to questions.  
 Rep. Rowe spoke in favor and yielded to questions.  
 On a division vote, 227 members having voted in the affirmative, and 121 in the negative, the report was adopted.

**HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for the Majority of Judiciary: After two lengthy hearings, the majority of the committee does not believe requiring the consent of a parent(s) prior to an abortion performed



on a young woman less than 17 years old to be in the best interest of the young woman or the family. The committee heard testimony that over 75% of young women who are pregnant tell a parent. The majority of the committee believes that an attempt to force the remaining young women to seek consent for an abortion from a dysfunctional family, in the cases of rape, incest, or for any other reason is clearly not in the best interest of the child facing an unplanned pregnancy. Further HB 1380 which appears sensible on the surface, is in fact dangerous and illogical when viewed more closely and realistically. No law will compel a young woman to talk with her parents when she feels she cannot. This bill will force young women who cannot communicate with a parent(s) to make bad decisions and take serious risks; and will compel young women to go out of state or obtain an illegal and unsafe abortions. The majority saw no evidence that parental consent laws in other states reduce unplanned pregnancies, reduce abortions or fix communications within dysfunctional families. Additionally, the majority believes that all women enjoy constitutionally protected rights to privacy which this bill would infringe upon. Vote 11-7.

Rep. Larry G. Elliott for the Minority of Judiciary: Do not be confused by the majority report. This bill is not about abortion. Only one abortion out of the tens of thousands of abortions performed over the last decade has been denied to a minor child. For the purposes of this bill, a minor child is a child under the age of 17, so this legislation is specifically talking about girls from the age of 9 through the age of 16. In our neighboring state to the south, Massachusetts, and to the east of us in Maine, there has been one abortion that has been denied as a result of parental consent laws. What this bill is about is encouraging communication between minor children and their parents about the responsibilities of reproduction. We do not, as a state, sanction medical treatments to be provided to minors in any other area without parental consent. Simply put, you cannot have your teeth cleaned without consent from a parent. In addition, as a state, we do not allow minor children to leave school or to visit the State House without parental consent. But the supporters of this bill would allow a minor child to leave school and seek a potentially life-threatening medical procedure and an emotionally damaging event without parental knowledge. We, as a state, need to encourage families to stay together and need to encourage communication. However, this legislation, recognizing that it is not always possible for families to safely communicate, provides for a judicial bypass. Simply put, if a child alleges that she is in fear of her safety by telling a parent, then she, could get an emergency hearing before a judge, who then could order an abortion to be performed. As testified to by the opponents to this legislation 99.9% of the time the medical procedure is approved by the courts. This judicial bypass procedure is consistent with obtaining other forms of medical treatment which is in the best interests of the child which parents might oppose. For example, if an emergency appendectomy needed to be performed to save a child's life and parents objected, the state could go to court to seek treatment on behalf of the child. The minority of the committee feels that if a child between the age of 9 and 16 becomes pregnant, there are larger issues beyond just the pregnancy that need to be discussed with the child, and this legislation would encourage the conversation to occur, whether it is with a parent or a judge.

Rep. Souza spoke against and yielded to questions.

Reps. Boyce and DiFruscia spoke against.

Reps. Ford and Carol Moore spoke in favor.

Rep. Hopper requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

## YEAS 219 NAYS 126

### YEAS 219

#### BELKNAP

Holbrook, Robert	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Salatiello, Thomas	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Philbrick, Donald
Quimby, Lee			

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Espiets, Peter	Hunt, John	Liebl, George

McGuirk, Paul  
Pratt, John  
Weed, Charles

Meador, David  
Richardson, Barbara  
Zerba, Roger

Mitchell, McKim  
Slack, Pamela Russell

Pratt, Irene  
Smith, Edwin

### COOS

Davis, Perley  
Rodrigue, Robert

Gallus, John

Horton, Lynn

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Benn, Bernard  
Lovett, Sid  
Pawlek, Marion  
Solow, Martha

Alger, John  
Cooney, Mary  
Marshall, Gene  
Scanlan, David  
Teschner, Douglass

Almy, Susan  
Eaton, Stephanie  
Naro, Debra  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Gabler, William  
Nordgren, Sharon  
Sokol, Hilda

### HILLSBOROUGH

Alukonis, David  
Bergin, Peter  
Carlson, Donald  
Cote, Peter  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Hall, Betty  
Konys, Christine  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Sargent, Maxwell  
Wheeler, Robert

Andosca, Mary  
Buckley, Raymond  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lynde, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Shaw, Barbara  
White, Donald

Baroody, Benjamin  
Calawa, Leon Jr  
Clemons, Jane  
Craig, James  
Dyer, Merton  
Foster, Linda  
Golding, William  
Graham, John  
Holden, Randolph  
Lasky, Bette  
McRae, Karen  
Murphy, Robert  
Peterson, Andrew  
Spiess, Paul  
White, John

Bellavance, Paul  
Cardin, Lori  
Cote, David  
Dionne, Kimberley  
Eaton, Richard  
Furman, Christine  
Goley, Jeffrey  
Guinta, Frank  
Johnson, Lionel  
Leach, Edward  
Melcher, Harold  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Dunne, Christopher  
Gile, Mary  
Langer, Ray  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

Bouchard, Candace  
Colcord, J D  
Feuerstein, Martin  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Crosby, Toni  
Fraser, Leo Jr  
Hager, Elizabeth  
MacKay, James  
Reardon, Tara  
Swindlehurst, John

Burney, Carol  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Case, Margaret  
Dalrymple, Janeen  
Francoeur, Sheila  
Holland, James Jr  
Kelley, Jane  
McGuire, Robert  
O'Neil, Michael  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dearborn, Bruce  
Gilbert, Jeffrey  
Hutchinson, Karen  
Kelley, William  
McKinney, Betsy  
Pantelakos, Laura  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Clark, Vivian  
Dowling, Patricia  
Gilbert, Karl  
Johnson, Robert  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Saia, Pamela  
Stone, Joseph  
Whittier, John

Bridle, Russell  
Coes, Betsy  
Flanders, John Sr  
Gleason, John  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Rausch, James  
Shultis, Elizabeth  
Stritch, C Donald

### STRAFFORD

Bickford, David  
DeChane, Marlene

Brennan, William  
Dunlap, Patricia

Brown, Julie  
Estabrook, Iris

Cossette, Larry  
Gilmore, Gary

Goodwin, Earle  
Knowles, William  
Proulx, Raymond  
Wall, Janet

Grassie, Anne  
Lent, Donald  
Rollo, Michael  
Woodill, Rodney

Heon, Richard  
Pelletier, Arthur  
Spang, Judith

Johnson, Nancy  
Pelletier, Marsha  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

Franklin, Peter  
Leone, Richard

### NAYS 126

### BELKNAP

Boyce, Laurie  
Johnson, William  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Wood, Jane

Dewhirst, Glenn  
Rosen, Ralph

Flanders, Donald  
Thomas, John

### CARROLL

Kenney, Joseph  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

Mock, Henry  
Torresen, Gary

Patten, Betsey

### CHESHIRE

Fairbanks, Chandler

Manning, Joseph

Roberts, William

### COOS

Guay, Lawrence

Rozek, Michael

Stohl, Eric

Tholl, John Jr

### GRAFTON

Cobb, John  
Ham, Bonnie

Dudley, Terri  
Mirski, Paul

Gilman, G Michael  
Sova, Charles

Giuda, Robert  
Ward, Brien

### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Brundige, Robert  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Gonzalez, Carlos  
Jean, Claudette  
LaRose, Richard  
McHugh, Claire  
Pappas, Marc  
Souza, Kathleen  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Daigle, Robert  
Elliott, Larry  
Haley, Robert  
Jean, Loren  
Lefebvre, Roland  
Mercer, Robert  
Pepino, Leo  
Sullivan, Peter

Balboni, Michael  
Bouchard, David  
Chabot, Robert  
Desrosiers, William  
Fields, Dennis  
Hall, Charles  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Salts, Greg  
Sweeney, Cynthia

Balcom, John  
Bragdon, Peter  
Christiansen, Lars  
Dionne, David  
Flora, Kathleen  
Hopper, Gary  
LaFlamme, Paul  
Martin, Mary Ellen  
Moran, Edward  
Schulze, Joan  
Thompson, Rob

### MERRIMACK

Cummings, Raymond  
Perkins, Randy

Hutchinson, John  
Soltani, Tony

Kennedy, Richard  
Whalley, Michael

Leber, William

### ROCKINGHAM

Arndt, Janet  
Cooney, Richard  
Dumaine, Dudley  
Henderson, Warren  
Katsakiores, George  
Major, Norman  
Palermo, Diane  
Quandt, Matthew  
Zolla, William

Camm, Kevin  
Corbin, Corey  
Giordano, Ronald  
Hill, Jonathan  
Katsakiores, Phyllis  
Morse, Charles  
Power, Lucille  
Varrell, Thomas

Carson, Sharon  
DiFruscia, Anthony  
Griffin, Mary  
Itse, Daniel  
Langley, Jane  
Nowe, Ronald  
Putnam, Ed II  
Welch, David

Chalbeck, Kevin  
Downing, Michael  
Hamel, Albert  
Johnson, Rogers  
Letourneau, Robert  
Packard, Sherman  
Quandt, Marshall  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Reid, Christopher

Berube, Roger  
Tsiros, William

Harrington, Michael  
Twombly, James

McCarthy, Gerald  
Woods, Phyllis

**SULLIVAN**

Rodeschin, Beverly  
and the majority report was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Craig moved that the House reconsider its action whereby it voted **HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age, Inexpedient to Legislate.  
Reconsideration failed.

**REGULAR CALENDAR (CONT'D.)**

**HB 1430**, relative to appeals in actions against tenants. **REFER FOR INTERIM STUDY**  
Rep. Peter F. Bergin for Judiciary: After a tie vote of 8-8 on Ought to Pass with Amendment and a vote of 6-10 on Inexpedient to Legislate, the committee felt that further questions on the bill's constitutionality and propriety need to be further explored. Vote 9-7.

Adopted.

Rep. Reid declared a conflict of interest and did not participate.

**HB 1152**, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: After listening to testimony from the prime sponsor of the bill, it was apparent that the lines of communication and clarity of authority between an elected board of selectmen and an elected chief can, at times, be difficult. Safety issues brought to the selectmen for attention and relayed to the police chief may or may not be acted upon by the chief. The fact that an elected chief may feel that he/she works for the people and not for the selectmen is the area of focus. One possible solution would be for the town to change the manner in which the police chief's position is filled. However, in testimony, the sponsor mentioned that his town had just voted to once again elect the police chief to the position versus having the selectmen fill the position by appointment. In the committee's executive session, it was stated that in New Hampshire there could be as few as four elected police chiefs in the state. Also, the appointed position versus the elected position in town governments whether for police chiefs, road agent or town clerk, present unique problems which from time to time, need to be worked out on the local level to solve what appears to be a local problem. Then, with the ideas from the local level, those sponsors can specify what revisions in state statutes are necessary to streamline and clarify this issue and sponsor a bill for the next legislative year. Vote 12-2.

Adopted.

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables a municipality upon a vote of the legislative body to grant a \$15,000 property tax exemption to a deaf person as one who has a 71 DB hearing loss or greater in the better ear as determined by a licensed audiologist or a qualified otolaryngologist. The exemption also applies a means test which is similar to that for elderly exemptions. It is estimated that there are 3-5,000 deaf individuals living in New Hampshire and there are approximately 50 deaf homeowners who would qualify for this exemption. Vote 8-4.

**Amendment (2349h)**

Amend the title of the bill by replacing it with the following:

AN ACT enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

Amend the bill by replacing section 3 with the following:

3 New Section; Property Tax Exemption for Deaf or Severely Hearing Impaired Persons. Amend RSA 72 by inserting after section 38-a the following new section:

## 72:38-b Exemption for Deaf or Severely Hearing Impaired Persons; Procedure for Adoption.

I. Any deaf person or person with severe hearing impairment shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in this section. For residential real estate owned by the spouse of an eligible person, the exemption shall be allowed if they have been married for at least 5 years. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

II. The exemption in paragraph I applies only to property which is occupied as the principal place of abode by the eligible deaf person or person with severe hearing impairment. For purposes of this section, "deaf person or person with severe hearing impairment" means a person who has a 71 Db hearing average hearing loss or greater in the better ear as determined by a licensed audiologist or qualified otolaryngologist, who may rely on a visual means of communication, such as American Sign Language or speech recognition, and whose hearing is so impaired as to substantially limit the person from processing linguistic information through hearing, with or without amplification, so as to require the use of an interpreter or auxiliary aid. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. No exemption shall be allowed under paragraph I unless the person applying therefor:

(a) Has resided in this state for at least 5 consecutive years preceding April 1 in the year in which the exemption is claimed.

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured.

(2) Expenses and costs incurred in the course of conducting a business enterprise.

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

IV. Additional requirements for an exemption under paragraph I shall be that the property is:

(a) Owned by the resident;

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed;

(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

V. In addition to the exemption provided in this section, a person may claim an exemption for improvements to assist persons who are deaf or severely hearing impaired as follows:

(a) Every owner of residential real estate upon which he or she resides, and to which he or she has made improvements for the purpose of assisting a person who is deaf or severely hearing impaired who also resides on such real estate, is each year entitled to an exemption from the as-

essed value, for property tax purposes, upon such residential real estate determined by deducting the value of such improvements from the assessed value of the residential real estate before determining the taxes upon such real estate.

(b) The exemption under this paragraph shall apply only in taxable years during which the person who is deaf or severely hearing impaired resided on the residential real estate for which the exemption is claimed on April 1 in any given year.

(c) No person shall be entitled to an exemption under this paragraph unless he or she has filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under the penalty of perjury, on a form approved and provided by the commissioner of revenue administration showing that the applicant is duly entitled and is the true and lawful owner and occupant of the property on which the exemption is claimed. If any person, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing an application on or before April 15 of the year in which he or she desires the exemption, said officials may receive said application at a later date and grant an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.

VI. Any town or city may adopt the provisions of paragraphs I through V in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

(b) In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such city may vote to place the question on the official ballot for any regular municipal election.

VII. The vote shall specify the provisions of the exemptions provided in RSA 72:38-b. The exemption shall take effect in the tax year beginning April 1 following its adoption.

VIII. A municipality may rescind the exemptions provided by this section in the manner described in paragraph VI.

### AMENDED ANALYSIS

This bill allows municipalities to adopt a property tax exemption for eligible deaf or severely hearing impaired persons.

Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

**HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: At the present time, if a property has an easement, the municipality usually assesses the property with the easement at a lower rate than full market value. The committee felt that if the bill were passed as written, there would be many unintended consequences because most of the focus on property easements seemed to center around the property's development value. However, a shoreline easement would dramatically affect shoreline use and would increase taxes on other land such as timberland. This would constitute a cost shift to other properties within the municipality. Testimony throughout the hearing indicated that this bill would interrupt a system that has been working well. Furthermore, the bill did not include any buffer zones that the sponsor felt should have been included. Vote 13-0.

Rep. Bruno spoke against.

Rep. Patten spoke in favor.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1403-L**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY**

Rep. Laurie J. Boyce for the Majority of Municipal and County Government: This bill was intended for all disabled veterans, whether at the 100% or 10% classification of disability rated by the Vet-

erans Administration. As much as the committee supports our veterans and the sacrifices they have made, this bill would have added an extra set of record keeping procedures at the local level that had no set parameters and would have created an administrative nightmare. Some of the unresolved issues brought up during the executive session were: the possible changing of the disability rating by the VA that would require recalculation and tracking of each credit, how to determine "unemployability", what date to apply the credit, lack of means testing for the award of this credit, lack of eligibility for veterans who rent and the increased tax shift to other taxpayers in the municipalities. The committee has already recommended and the House passed legislation enabling towns to increase the basic veterans credit from \$50 up to \$500 (HB 1277). The tax credit that would be granted under HB 1403 would be in addition to the increased credits contained in HB 1277 and the veteran could receive both. The committee agreed that the recently passed increase up to \$500 is adequate in these uncertain economic times. Vote 12-2.

Rep. Dudley D. Dumaine for the Minority of Municipal and County Government: Any person who has been honorably discharged from any branch of military service and has been determined by the Veterans Administration as being totally and permanently disabled as a result of a service-connected disability may, at the municipal level of government, be entitled to a property tax credit of either \$700 or \$1400. As it stands at the present time, only honorable discharged military personnel that are classified as 100% totally and permanently disabled as a result of a service connected disability qualify for this credit. However, there are those former military personnel who have service connected disability who fall short of the 100% totally and permanently disabled classification.

For example, in the case of an individual who stepped on a land mine while serving the United States and lost a leg as a result of his wounds. According to the Veterans Administration, this individual may be granted a 60% disability rating in accordance with the criteria established by the Veteran Administration. HB 1403 would entitle the individual to a pro rated property tax credit of \$420.00 or \$840.00 upon approval of the municipal legislative body. The minority of Municipal and County Government Committee felt that HB 1403 is on the right track and simply needs some work to be brought in line for passage.

Majority report adopted.

Rep. Murphy declared a conflict of interest and did not participate.

### SPECIAL ORDERS

**HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. **INEXPEDIENT TO LEGISLATE**  
Rep. Bernard L. Benn for Public Works and Highways: Because the proposed purpose of the bill has been studied by the Liquor Commission, and due to irreconcilable differences between the rules of the commission and Federal government as to allowable rents, the parties cannot negotiate an agreeable amount of rent. The committee feels the concept has much merit and would be supportive of any agreement between the Liquor Commission and airport, but with the known obstacles, the study would not be productive. The committee was also willing to help with any changes that the Liquor Commission needed to facilitate such a sales outlet. Vote 16-0.

Rep. Power spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor.

On a division vote, 287 members having voted in the affirmative and 50 in the negative, the report was adopted.

**HB 1370**, relative to establishing a 6-year capital budget. **OUGHT TO PASS**

Rep. William E Leber for Public Works and Highways: The committee has been aware for years that the Capital Improvement Program could be improved with long term planning, and where possible, phased planning and construction over a few bienniums. This bill provides for this option. It also provides restraints as a percentage of bonding over the biennium, so each Legislature will have plenty of room for new capital appropriation each biennium and extended projects can proceed. The percentage established has historically been used in recent years as a recommendation of the Treasurer. This is the first major step to manage the state capital improvement needs more efficiently. Vote 14-2.

Reps. Bowles and Leber spoke in favor.

Adopted and ordered to third reading.

**REGULAR CALENDAR (CONT'D)**

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement. **OUGHT TO PASS WITH AMENDMENT**  
Rep. William E. Leber for Public Works and Highways: The committee received testimony about the needs for improvements at the Barry conservation camp for children to meet Health and Human Services standards. The appropriation in 1999 is not enough to complete the project, and this bill provides an additional \$100,000 appropriation from the Fish and Game Fund. An amendment also provides for the additional appropriation for the New Hampshire Veterans Home expansion project which came in overbid. The additional appropriation includes \$650,000 of Federal support which requires an additional state appropriation of \$1.25 Million. It is critical that the appropriation is approved by April 1st or the Federal share of \$7.15 Million will be terminated and the much needed project of 100 more beds would have to be started over by reapplication which could take years to reach this point again, if ever. Vote 14-0.

**Amendment (2346h)**

Amend the title of the bill by replacing it with the following:

AN ACT     increasing the capital appropriation made to the fish and game department for the Berry conservation camp building replacement and increasing a capital appropriation to the New Hampshire veterans' home to design and build a new facility.

Amend the bill by replacing all after section 3 with the following:

4 Capital Budget; Veterans' Home; Appropriation Increased. Amend 1999, 226:1, XIV to read as follows:

    XIV. N.H. Veterans Home.

A. Design and build new facility	[\$10,000,000]	<b>\$11,900,000</b>
Less federal	[-6,500,000]	<b>7,150,000</b>
Net state appropriation subparagraph A	[3,500,000]	<b>4,750,000</b>
Total state appropriation paragraph XIV	[\$3,500,000]	<b>\$4,750,000</b>

    The funds appropriated in subparagraph A shall not lapse.

5 Capital Budget; Total Amended: Amend 1999, 226:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	[\$41,311,314]	<b>\$42,561,314</b>
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6 Capital Budget; Bonds Authorized; Total Amended: Amend 1999, 226:8 as amended by 2000, 132:4, to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$61,375,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill appropriates an additional bonded amount to the fish and game department for the replacement of the Barry conservation camp building. Payment of the cost of bonds or notes is from the fish and game fund.

This bill also increases the capital appropriation made to the New Hampshire Veterans' Home to design and build a new facility.

Adopted.

Report adopted.

Referred to Finance.

**HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. **OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: In 1998 the state entered into an agreement with the city of Laconia to construct two ball fields at no cost to the city. To date, the state has not met this obligation, and this bill provides \$347,629 to correct this situation. The agreement that resulted in this bill was negotiated by the Speaker of the House, Senate President, Governor and representatives of the city. Passage of this bill will completely fulfill the state's obligation under



the 1998 agreement. While this issue has strained the relationship between the city and the state over the past few years the committee believes this bill does what is right for the city of Laconia and the state of New Hampshire. At the request of the committee, the city sent a letter with the following included: "The City of Laconia agrees that the obligations of the State of New Hampshire outlined in HB 1100, are satisfied under the pending legislation. The City shall seek no further funding for the construction of the athletic fields at the Lakes Region Correctional facility." Vote 16-0.

Reps. Rosen and Edwin Smith spoke in favor.

Adopted.

Referred to Finance.

### SPECIAL ORDERS

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: The Recreational Fee Demonstration Program, which is essentially a "parking fee", charges the citizens of New Hampshire unfairly. The citizens of the communities in which the White Mountains exist are expected to pay a fee in order to hike, hunt, fish, snowmobile and participate in other recreational activities on that land. The Federal government has also failed to fully fund payments promised to those communities in lieu of taxes for acquired Federal lands. Vote 15-1.

Rep. Harrington spoke against.

Rep. Teschner spoke in favor and yielded to questions.

Adopted and ordered to third reading.

**HR 21**, urging the development and implementation of a national missile defense system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard F. Heon for the Majority of State-Federal Relations and Veterans Affairs: The committee heard compelling testimony regarding the clear and present danger posed by the proliferation of ballistic missiles and weapons of mass destruction. That proliferation imperils not just New Hampshire and the nation, but also our allies and our armed forces abroad. This resolution urges the President to take all actions necessary to protect our nation, and to develop an effective ballistic missile defense system designed to deter future threats whenever possible. The question at hand is whether the United States has a duty to protect its ideals, interests and influence in the global community. The committee's bipartisan vote believes it does. Vote 13-5.

Rep. Peter M. Sullivan for the Minority of State-Federal Relations and Veterans Affairs: In its current form, HR 21 could easily be construed as endorsing a missile defense system that is technologically unfeasible, fiscally unworkable and diplomatically destabilizing. The minority believes that the threat posed by weapons of mass destruction can best be addressed by a coordinated plan involving enhanced resources for the intelligence community; a vigorous commitment to nuclear security and non-proliferation initiatives aimed at security nuclear biological and chemical materials and technology in the former Soviet republics; and in the opinion of some members of the minority, a limited, multi-tiered missile defense system developed pursuant to the terms of a renegotiated and revised anti-ballistic missile treaty. In addition, one member of the minority believed that issues of national defense are not properly within the jurisdiction of the New Hampshire House of Representatives.

### Majority Amendment (2309h)

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire is located in the New England region of the northeastern United States and is populated by over 1,200,000 persons, and maintains distinguished centers of higher learning, and is the site of advanced information and defense technology, and is noted for outstanding natural endowments of forests, mountains, and lakes, and derives considerable electrical power from nuclear energy; and

Whereas, the people of New Hampshire are conscious of the state's assets and favorable future development for their children and future generations; and

Whereas, New Hampshire responded to the call at Bunker Hill with volunteers in the struggle for American independence and has contributed to national defense through its citizenry ever since; and

Whereas, the people of New Hampshire are aware of the global proliferation of ballistic missiles and weapons of mass destruction and their threat to our nation, our allies, and our armed forces abroad; and

Whereas, the United States does not possess a robust and effective defense against ballistic missiles bearing weapons of mass destruction, launched by anyone who opposes American ideals, interests, and influence throughout the world; and

Whereas, New Hampshire, the United States, and the international community are increasingly imperiled by the global proliferation of ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic missile attack; in consequence, New Hampshire asserts its leadership as one of 50; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges the President of the United States to take all actions necessary, within the limits of the considerable technological prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; and

That the New Hampshire house of representatives hereby urges the President to allow the United States the freedom to defend itself, its allies, and its armed forces abroad from ballistic missile attack, treaties and other agreements to the contrary notwithstanding; and

That the New Hampshire house of representatives hereby conveys to the President and Congress that effective national missile defense will require a robust and multi-layered architecture consisting of integrated land-based, sea-based, and/or space-based assets designed to deter future threats whenever possible and meet them whenever necessary; and

That copies of this resolution shall be sent by the house clerk to the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Joint Chiefs of Staff, and the President of the United States.

Majority amendment adopted.

Rep. Peter Sullivan offered a floor amendment (2565h).

#### **Floor Amendment (2565h)**

Amend the resolution by replacing all after the 5th paragraph after the title with the following:

Whereas, New Hampshire is imperiled by the existing incapability of national self-defense against ballistic missile attack from hostile or accidental sources along with the other states of the union; and

Whereas, the threat posed by the proliferation of nuclear, radiological, chemical, and biological weapons and materials endangers the lives of the people of New Hampshire, New England, and the other states of the union; in consequence, New Hampshire asserts its leadership as one of 50; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives urges the President of the United States to vigorously pursue actions to protect New Hampshire, New England, and the United States from attack by weapons of mass destruction; and

That the New Hampshire house of representatives urges the President to negotiate a modernized anti-ballistic missile treaty that would allow the United States and Russia to research, develop, and deploy missile defense technologies and systems; and

That the New Hampshire house of representatives urges the President and Congress to pursue the research, development, and deployment of a limited, multi-tiered missile defense system; and

That the New Hampshire house of representatives urges the President and Congress to increase resources for nuclear security programs and other nonproliferation initiatives to secure, nuclear, radiological, biological, and chemical materials in Russia and the other former Soviet Republics; and

That the New Hampshire house of representatives urges the President and Congress to support increased resources for intelligence agencies engaged in activities aimed at preventing the transfer of nuclear, biological, and chemical technology and material to terrorist organizations and nations which sponsor such organizations; and

That copies of this resolution shall be sent by the house clerk to the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate, and the New Hampshire congressional delegation.

Rep. Guinta spoke against.

Rep. Peter Sullivan spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of the floor amendment (2565h).

**YEAS 65 NAYS 266****YEAS 65  
BELKNAP**

Pilliod, James

Wood, Jane

None

**CARROLL****CHESHIRE**

Espieffs, Peter

McGuirk, Paul

Meador, David

Pratt, John

Richardson, Barbara

Weed, Charles

Zerba, Roger

**COOS**

Rodrigue, Robert

**GRAFTON**

Akins, Ralph

Alger, John

Almy, Susan

Benn, Bernard

Lovett, Sid

Marshall, Gene

Naro, Debra

Pawlek, Marion

Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Clemons, Jane

Cote, David

Craig, James

Gargasz, Carolyn

Gorman, Mary

Hall, Betty

Konys, Christine

Lasky, Bette

Lefebvre, Roland

Lynde, Harold

Melcher, Harold

Panagopoulos, Nicholas

Sullivan, Peter

Sweeney, Cynthia

White, John

Williams, Carol

**MERRIMACK**

Burney, Carol

Davis, Frank

French, Barbara

MacKay, James

Rush, Deanna

Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn

Clark, Martha Fuller

Clark, Vivian

Cooney, Richard

Downing, Michael

Kelley, Jane

McGuire, Robert

Norelli, Terie

Pantelakos, Laura

Splaine, James

**STRAFFORD**

Cossette, Larry

Knowles, William

Lent, Donald

Proulx, Raymond

Rollo, Michael

Taylor, Kathleen

**SULLIVAN**

Burling, Peter

Harris, Joseph

Harris, Sandra

Phinizy, James

**NAYS 266****BELKNAP**

Boyce, Laurie

Czech, Stanley

Dewhirst, Glenn

Flanders, Donald

Holbrook, Robert

Johnson, William

Nedeau, Stephen

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Salatiello, Thomas

Thomas, John

Wendelboe, Fran

**CARROLL**

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

Sullivan, P Judith

Torressen, Gary

**CHESHIRE**

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Emerson, Susan

Fairbanks, Chandler

Hunt, John

Liebl, George

Manning, Joseph

Mitchell, McKim

Pratt, Irene

Roberts, William

Slack, Pamela Russell

Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

**GRAFTON**

Barker, Robert  
Gabler, William  
Mirski, Paul  
Solow, Martha  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Nordgren, Sharon  
Sova, Charles

Cooney, Mary  
Giuda, Robert  
Scanlan, David  
Teschner, Douglass

Dudley, Terri  
Ham, Bonnie  
Scovner, Nancy  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Fletcher, Richard  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Jean, Claudette  
L'Heureux, Robert  
Leishman, Peter  
McRae, Karen  
Moran, Edward  
Palangas, Eric  
Rowe, Robert  
Shaw, Barbara  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Dyer, Merton  
Ford, Nancy  
Golding, William  
Graham, John  
Herman, Keith  
Jean, Loren  
LaFlamme, Paul  
Martel, Andre  
Mercer, Robert  
Movsesian, Lori  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Daigle, Robert  
Drabinowicz, A Theresa  
Elliott, Larry  
Foster, Linda  
Goley, Jeffrey  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
LaRose, Richard  
Martin, Mary Ellen  
Messier, Irene  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
White, Donald

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dionne, David  
Drisko, Richard  
Fields, Dennis  
Furman, Christine  
Gonzalez, Carlos  
Haley, Robert  
Hopper, Gary  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Schulze, Joan  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Feuerstein, Martin  
Hager, Elizabeth  
Langer, Ray  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Hutchinson, John  
Leber, William  
Perkins, Randy  
Seldin, Gloria  
Whalley, Michael

Brewster, Richard  
Cummings, Raymond  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Potter, Frances  
Soltani, Tony

Clarke, Claire  
Dunne, Christopher  
Greco, Vincent  
Kennedy, Richard  
Moore, Carol  
Reardon, Tara  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Pitts, Jacqueline  
Rausch, James

Belanger, Ronald  
Case, Margaret  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Robertson, Carl

Bowles, Raimond  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter

Camm, Kevin  
Coes, Betsy  
DiFruscia, Anthony  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Quandt, Matthew  
Saia, Pamela

Sapareto, Frank  
Stritch, C Donald  
Welch, David

Shultis, Elizabeth  
Trueman, Raymond  
Weyler, Kenneth

Sloan, Stephen  
Varrell, Thomas  
Whittier, John

Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

### STRAFFORD

Albert, Russell  
DeChane, Marlene  
Goodwin, Earle  
McCarthy, Gerald  
Spang, Judith  
Woodill, Rodney

Berube, Roger  
Dunlap, Patricia  
Harrington, Michael  
Pelletier, Arthur  
Tsiros, William  
Woods, Phyllis

Bickford, David  
Estabrook, Iris  
Heon, Richard  
Pelletier, Marsha  
Twombly, James

Brennan, William  
Gilmore, Gary  
Johnson, Nancy  
Reid, Christopher  
Wall, Janet

### SULLIVAN

Cloutier, John  
Leone, Richard

Ferland, Brenda  
Odell, Bob

Franklin, Peter  
Robb, Amy

Jones, Constance  
Rodeschin, Beverly

and the floor amendment (2565h) failed.

The question being adoption of the majority committee report.

Reps. Weed and Lynde spoke against.

Reps. Avery and Heon spoke in favor.

Rep. Avery requested a roll call; sufficiently seconded.

The question now being adoption of the majority report.

### YEAS 186 NAYS 135

#### YEAS 186

#### BELKNAP

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey  
Torressen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

#### CHESHIRE

Avery, Stephen  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

#### COOS

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

#### GRAFTON

Akins, Ralph  
Gabler, William  
Mirski, Paul

Alger, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

#### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Dionne, David  
Fields, Dennis  
Goley, Jeffrey  
Guinta, Frank

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Dionne, Kimberley  
Foster, Linda  
Gonzalez, Carlos  
Haley, Robert

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Clegg, Robert Jr  
Dokmo, Cynthia  
Furman, Christine  
Goulet, Maurice  
Hall, Charles

Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Coughlin, Pamela  
Elliott, Larry  
Golding, William  
Graham, John  
Herman, Keith

Holden, Randolph  
Johnson, Lionel  
Lefebvre, Roland  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Shaw, Barbara  
White, Donald

Hopper, Gary  
Kurk, Neal  
Leishman, Peter  
Mercer, Robert  
Palangas, Eric  
Rowe, Robert  
Souza, Kathleen

Jean, Claudette  
L'Heureux, Robert  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

Jean, Loren  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Leber, William  
Whalley, Michael

Colcord, J D  
Hutchinson, John  
Lockwood, Priscilla

Cummings, Raymond  
Kennedy, Richard  
Soltani, Tony

Dunne, Christopher  
Langer, Ray  
Swindlehurst, John

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, George  
Langone, John  
Morse, Charles  
Palermo, Diane  
Rausch, James  
Sloan, Stephen  
Weyler, Kenneth

Belanger, Ronald  
Chalbeck, Kevin  
Dearborn, Bruce  
Francoeur, Sheila  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Robertson, Carl  
Stritch, C Donald  
Whittier, John

Camm, Kevin  
Clark, Vivian  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Henderson, Warren  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Quandt, Marshall  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Carson, Sharon  
Corbin, Corey  
Dumaine, Dudley  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

### STRAFFORD

Albert, Russell  
Heon, Richard  
Woods, Phyllis

Berube, Roger  
McCarthy, Gerald

Cossette, Larry  
Tsiros, William

Dunlap, Patricia  
Twombly, James

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 135

### BELKNAP

Johnson, William

Pilliod, James

Salatiello, Thomas

Wood, Jane

### CARROLL

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Dexter, Judson  
Meador, David  
Richardson, Barbara

### COOS

### GRAFTON

Almy, Susan  
Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Barker, Robert  
Ham, Bonnie  
Pawlek, Marion  
Teschner, Douglass

Benn, Bernard  
Lovett, Sid  
Scovner, Nancy  
Williams, Burton

Cobb, John  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Fletcher, Richard	Ford, Nancy
Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary	Hall, Betty
Konys, Christine	LaRose, Richard	Lasky, Bette	Leach, Edward
Lynde, Harold	Martin, Mary Ellen	Melcher, Harold	Movsesian, Lori
Murphy, Robert	Panagopoulos, Nicholas	Schulze, Joan	Sullivan, Peter
Sweeney, Cynthia	White, John		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Davis, Frank	Feuerstein, Martin	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	MacKay, James
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Cooney, Richard	Dowling, Patricia
Downing, Michael	Gleason, John	Hamel, Albert	Kane, Cecelia
Kelley, Jane	Kelley, William	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Estabrook, Iris
Gilmore, Gary	Goodwin, Earle	Johnson, Nancy	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	Robb, Amy

and the majority report was adopted.

Ordered to third reading.

Rep. Paula Bradley did not vote and wished to be recorded against.

**MOTION TO PRINT DEBATE**

Rep. Solow moved that the debate on **HR 21**, urging the development and implementation of a national missile defense system be printed in the Journal.

On a division vote, 130 members voting in the affirmative, 192 in the negative, the motion failed.

**REGULAR CALENDAR (CONT'D.)**

**HB 1179**, establishing a task force to investigate the feasibility of utilizing the Concord to Lincoln rail corridor for passenger service. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The majority of the committee felt that this bill is unnecessary, as there are already two task forces in existence, studying different rail corridors in New Hampshire. It was also felt that if the Concord to Lincoln line needed study it could be incorporated into a current task force being done on the Concord to Lebanon line. Vote 12-3.

Adopted.

**HB 1282**, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Norman L. Major for Ways and Means: The bill as amended would establish a committee to study various types of gaming options for New Hampshire rather than just casino gambling. This

committee will investigate various gaming forms, including but not limited to: slot machine only casinos, state-owned casinos, privately owned casinos, full casinos, as well as casino operations in other states and countries (including Canada). All issues related to gaming, including but not limited to: the effect on existing forms of gaming, maximizing state revenues, regulating gaming, revenue forecast for various models, implementation timeframes and possible locations are also to be examined. Vote 11-1.

### **Amendment (2384h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study gaming options for New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study gaming options for New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Investigate and take testimony concerning the various types of gaming available to the state.

II. Investigate various gaming models, including, but not limited to:

(a) Slot-machine-only casinos.

(b) State-owned casinos.

(c) Full casinos.

(d) The Canadian models, and casino operations in other states and countries.

III. Consider all issues related to gaming, including, but not limited to:

(a) The effect of the various gaming models on existing forms of gaming.

(b) How to maximize state revenue.

(c) How best to oversee and regulate gaming.

IV. Solicit testimony from various sources, including, but not limited to:

(a) The department of revenue administration.

(b) The attorney general's office.

(c) The department of resources and economic development.

(d) The department of health and human services.

(e) The sweepstakes commission.

(f) The pari-mutuel commission.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study gaming options for New Hampshire.  
Adopted.

Report adopted and ordered to third reading.

### **SPECIAL ORDER**

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Last year two identical bills dealing with a dedicated fund for job training started from House and Senate. The House bill became law and House Labor held SB 201 for fine-tuning to the Berlin crisis. When they recommended passage of their amend-



ment several weeks ago, somehow the original material in the bill was not deleted, and so the bill came to Ways and Means. This is the amendment Labor meant to pass, and it does not involve Ways and Means issues, so the committee recommends passage of the amendment as is. Vote 14-0.

### **Amendment (2129h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the job training program for economic growth.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. The following are repealed:

I. RSA 188-F:52, III, relative to the terms and compensation of grant review committee members.

II. RSA 188-F:52, V, relative to the \$25,000 cap on grant amounts that may be awarded by the commissioner upon the recommendation of the grant review committee.

2 Regional Community-Technical College System; Eligibility for Training Grants. Amend RSA 188-F:53, V to read as follows:

V. Priority shall be given for grants to small businesses [~~in the manufacturing sector~~] for the implementation of technological innovations.

3 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill repeals the term length and compensation provision covering members of the grant review committee of the job training program for economic growth and repeals the \$25,000 cap on grants that the commissioner may award upon recommendation of the committee. It also gives priority for training grants to small businesses implementing technological innovations.

Adopted.

Report adopted.

Referred to Finance.

### **REGULAR CALENDAR (CONT'D.)**

**HB 1428-FN-L**, relative to the formation of statewide cooperative purchasing agreements within school administrative units. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Education: This bill presents the issue of centralized purchasing by SAU's. Current law already explicitly authorizes coordinated central purchasing between school districts and the Department of Administrative Services. The committee chairman will write the parties involved urging their cooperation in cost reduction and asking for a report to the committee next year. Vote 15-0.

Reps. Peterson and Alger spoke in favor.

Adopted.

**HB 1354-FN**, licensing body art practitioners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill is the result of an extensive study this past summer by a special legislative committee looking into the practice of body piercing, branding and tattooing (known as body art). The bill, as amended, establishes a licensing and training procedure for all practitioners involved in this practice. Vote 15-0.

### **Amendment (2212h)**

Amend RSA 314-A:2, III (b) as inserted by section 1 of the bill by replacing it with the following:

(b) Makes payment of fees required under RSA 314-A:6, III;

Amend RSA 314-A:3 as inserted by section 1 of the bill by replacing it with the following:

314-A:3 Apprenticeship. An apprentice license shall be issued if an applicant is unable to comply with any of the provisions of RSA 314-A:2. A person shall remain an apprentice for at least one year and until the supervising licensee attests that the apprentice is qualified to become licensed.

Amend RSA 314-A:6 as inserted by section 1 of the bill by replacing it with the following:

314-A:6 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to the practice of body piercing, branding, and tattooing and the operations of tattoo and body piercing establishments. Such rules shall include:

I. Standards of hygiene to be met and maintained by establishments and practitioners in order to receive and maintain a license to carry out the practice of tattooing or body piercing, and the manner in which records of period spore tests are to be maintained and reported. All records shall be maintained for a minimum of 7 years.

II. Procedures for granting, revoking, and reinstating a license.

III. Fines and fees.

IV. Inspection of body piercing, branding, and tattooing establishments.

V. The maintenance of records pertaining to parental consent for minors, including names, dates of birth, type of identification used, and any other evidence of parentage or guardianship.

Amend RSA 314-A:8, I and II as inserted by section 1 of the bill by replacing it with the following:

I. Branding and tattooing a person under the age of 18 is prohibited.

II. Body piercing a person under the age of 18 is prohibited without consent of that person's parent or legal guardian.

Amend RSA 314-A as inserted by section 1 of the bill by inserting after RSA 314-A:12 the following new section:

314-A:13 Minimum Standards. The provisions of this chapter represent minimum standards and shall not preclude any licensee from voluntarily exceeding these standards with more stringent provisions.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Applicability. Practitioners licensed under RSA 314-A prior to the effective date of this act shall be exempt from the provisions of RSA 314-A:3.

#### AMENDED ANALYSIS

This bill establishes licensing and training requirements for practitioners of body piercing, branding, and tattooing, and exempts practitioners licensed prior to the effective date of this bill from apprenticeship requirements.

Adopted.

Rep. Mirski spoke against.

Rep. O'Neil spoke in favor.

Report adopted and ordered to third reading.

#### MOTION TO SPECIAL ORDER

Rep. Langley moved that **HB 294-FN**, excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief, be made a Special Order for Thursday, February 21, 2002 in the Regular Calendar order and spoke in favor. Adopted.

#### **HB 1202-FN**, reducing fees for municipal permits for registration of certain hybrid vehicles. **IN-EXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would reduce the municipal permit fees for vehicle registration of certain hybrid vehicles by 1/3. This loss of revenue would have a significant impact on the municipalities throughout the state. It is the policy of the state (DES) to encourage the use of cleaner, more efficient forms of transportation wherever possible. However, there is a potential for revenue loss at the local and state levels. This loss would continue to grow during this decade. It is estimated that by the year 2010 there will be 2,000-4,000 hybrid vehicles on the New Hampshire roads. Prior to 2001, there was an additional fee for registrations for hybrid vehicles. In HB 443 of 2001, that additional fee was repealed. The owners of such vehicles enjoy a substantial savings due to the reduced use of gasoline. Additionally, these vehicles will travel on our roads and will have the same wear and tear effect as regular vehicles. Vote 11-0.

Rep. Corbin spoke against.

Rep. Brundige spoke in favor.

Adopted.

#### **HB 1355-FN-L**, relative to merging unincorporated places with abutting municipalities in Coos county. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires Coos County to develop a plan to allow annexation of unincorporated areas by abutting municipalities by establishing a North Country and Municipal Expansion Board. Testimony was received by the committee that a similar board was established in 1988 and its conclusion was not to allow the annexation of the unincorporated places in Coos County. This bill is opposed by the Coos County Commis-

sioners. The committee was inundated by letters, faxes, E-mails and telephone calls all opposed to this bill. The committee agrees that this bill is not necessary at this time and is more appropriate for a Coos County study committee. Vote 11-1.

Rep. Guay spoke against.

Rep. Patten spoke in favor.

On a division vote, 251 members having voted in the affirmative and 50 in the negative, the motion was adopted.

**SB 385**, relative to electric personal assistive mobility devices. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill defines the Electric Personal Assistive Mobility Device "EPAMD" designed and manufactured by Segway LLC, a New Hampshire Corporation. The purpose of this bill is to provide a legal and regulatory structure for this new transportation technology not currently defined in NH law. The definition "EPAMD" is a result of the United States Consumer Product Safety Commission and other Federal authorities. This bill permits the operation of the EPAMD on sidewalks and roadways of NH, and defines the rights and duties of pedestrians. However, all persons operating an EPAMD would be required by law to yield the right-of-way to persons on foot. Additionally, this bill provides for local control by municipalities to regulate the operation of EPAMDs within their jurisdiction. This bill also creates an EPAMD oversight committee to study the integration of EPAMDs with pedestrian traffic in NH, including rules of operation as may be appropriate. The committee report is due on November 1, 2002. Vote 15-0.

Adopted.

Rep. Mirski wished to be recorded as against.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled the following House Bills numbered 317 and 393.

Rep. Nowe, Sen. D'Allesandro for the Committee

### RESOLUTION

Reps. Scanlan and Burling offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1475 through 1480 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 1475**, establishing a committee to study the use of state-issued identification by law enforcement to enhance public safety. (Guay, Coos 6; Graham, Hills 15; Johnson, Dist 3; Transportation)

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system. (Goley, Hills 37; Clayton, Hills 39; Pepino, Hills 40; Municipal and County Government)

**HB 1477**, relative to the use of the real property of counties. (Gilmore, Straff 11; Goodwin, Straff 12; Municipal and County Government)

**HB 1478-FN-A**, relative to public health emergency preparation and response. (Emerton, Hills 7; Welch, Rock 18; Wallner, Merr 24; Ward, Graf 1; Craig, Hills 38; D'Allesandro, Dist 20; Wheeler, Dist 21; Gordon, Dist 2; Health, Human Services and Elderly Affairs)

**HB 1479-FN**, establishing the crime victim employment leave act. (Peter Sullivan, Hills 39; Espieffs, Ches 19; Labor, Industrial and Rehabilitative Services)

**HB 1480**, relative to liability for benefits under workers' compensation. (M. Fuller Clark, Rock 36; Labor, Industrial and Rehabilitative Services)

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a

third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 21, 2002 at 10:00 a.m.

Adopted.

## **LATE SESSION**

### **Third reading and final passage**

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services.

**HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice.

**HB 1217**, relative to payment of trust income.

**HB 1223**, establishing a committee to study the model insurance rating laws.

**HB 1434**, lowering the minimum medical cost coverage for motor vehicle liability policies.

**HB 1133**, relating to intrastate fresh pursuit.

**HB 419**, apportioning delegates to state party conventions.

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

**HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs.

**HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems.

**HB 1310**, relative to the city of Manchester's contributory retirement system.

**HB 768-FN**, relative to DNA testing of criminal offenders.

**HB 1264-FN-A-L**, relative to district courts and pleas by mail.

**HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process.

**SB 64-FN-A**, establishing a fund to pay mediators in the probate courts.

**HB 1182**, establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

**HB 1175**, relative to proclaiming oneself a New Hampshire native.

**HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses.

**HB 1390**, relative to quality assurance information.

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance.

**HB 1112**, relative to the notice period for hearings on excavation permits.

**HB 1221**, relative to coordinating certain town and school district meetings.

**HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway.

**HB 1298**, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

**HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II.

**HCR 28**, urging increased federal funding for quality breast cancer research.

**HR 20**, supporting the country of Tibet.

**HB 1139**, allowing the governor to enter into reciprocal international child support agreements.

**HB 1422**, establishing certain positions in the insurance department.

**HB 1151**, establishing a commission to examine and assess the status of civic education in New Hampshire.

**HB 379**, apportioning the executive council districts.

**HB 420**, apportioning state representative districts.

**HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program.

**HB 1251**, relative to the use of mercury amalgam fillings by dentists.

**HB 1367-FN**, relative to the childhood lead poisoning prevention program.

**HB 1236-FN**, establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution.

**HB 1249**, adopting the model Drug Dealer Liability Act.

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

**HB 1370**, relative to establishing a 6-year capital budget.

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

**HR 21**, urging the development and implementation of a national missile defense system.

**HB 1282**, establishing a committee to study gaming options for New Hampshire.

**HB 1354-FN**, licensing body art practitioners.

**SB 385**, relative to electric personal assistive mobility devices.

## UNANIMOUS CONSENT

Rep. Burling addressed the House.

Rep. Foster moved that the remarks made by Rep. Burling be printed in the Permanent Journal.

Adopted.

## REMARKS

Rep. Burling: Mr. Speaker, I came to this House in 1988. It very quickly became for me not just the House, but a home as well. It was a home in which we made great friendships, discussed great issues, and fought great battles. But at the end of each day, when we reached the Storrs Street garage, we always parted as great friends. The House back then had an internal culture based on the collegial admiration which members felt for one another. Leadership in this House fostered mutual respect, and worked hard to preserve it.

My dear friend, Caroline Gross, knew with every fiber of her being that the process and success of a large volunteer legislature depends ultimately upon its ability to preserve the concept of collegiality. Caroline would not recognize the New Hampshire House now. She would be stunned to learn that a member of this House might take pictures of another for the purpose of exposing that member to ridicule. She would be furious to know that those pictures might be offered for sale, so that political damage might be done to that person.

Believe you me, when Representative Caroline Gross thought something out of line, she knew how to get it back in line pretty quick. She understood fully the uses of righteousness and rage, and she could impress upon any member the importance of House decorum and protocol. I wish she were with us still.

My longtime friend Martha Fuller Clark has been attacked by a member of this House. Photos of her have been taken and used to subject her to ridicule. Those pictures are now for sale to political interests who do not wish her well. There is no reason to expect that we have seen the last of this sad episode.

I believe in honest and vigorous debate. I know you do too. If anyone wants to challenge Martha Fuller Clark on her record or ideas, I invite them to try. After all, Martha does have a record. She has been a leader in passing a patient's bill of rights, tax free college savings accounts, better schools, better health care, and a cleaner environment for New Hampshire. If those be concepts that are objectionable, go after them! But this episode has never been about Martha's record, nor about her ideas. It has been about her right to privacy, right to privacy, and how a member might violate that right to privacy with a digital camera and cable access television. I say, for shame!

Ultimately, this is about our sense of self-respect. Either we will condemn this filming and broadcast of pictures of Representative Fuller Clark, or we will watch as this wonderful House collapses into a bitter and pitiful den of personal attacks and contentiousness. I know what Caroline would wish for us. I know what many of you would wish for us, too, because you have been kind enough to call and express your wishes. I know today what we must do if we are to sustain this, the people's House.

We must condemn the wrongful and gratuitous violation of our colleague's rights. We must pledge to each other that such a thing will not happen again in this House, and we must, I beg you, by standing together here, promise that we will cherish each other as colleagues, or we will just stay home. Thank you.

Reps Kurk and Leishman addressed the House.

## PERSONAL PRIVILEGE

Rep. Mock addressed the House.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

**RECESS**

**(Rep. Mercer in the Chair)**

**ENROLLED BILL AMENDMENT**

**SB 385**, relative to electric personal assistive mobility devices. (Amendment printed SJ 2/14/02)

Adopted.

**RECESS**

**(Rep. Lee Quandt in the Chair)**

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 385.

Rep. Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Mercer in the Chair)**

**RESOLUTION**

Rep. Goulet offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1481 through 1483 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1481-FN-L**, relative to a highway construction project in Nashua. (Gleneck, Hills 29; Albert, Straf 17; Drabinowicz, Hills 36: Public Works and Highways)

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor. (Holbrook, Belk 7; Downing, Rock 26; Rodeschin, Sull 4; Barnes, Dist 17: Environment and Agriculture)

**HB 1483**, relative to filling vacancies occurring on school boards. (Gleneck, Hills 29; Albert, Straf 17; Drabinowicz, Hills 36; Artz, Hills 34: Education)

**RECESS**

**(Rep. Martel in the Chair)**

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 177, 313, 318, 319, 320, 324, 330, 331, 342, 351, 353, 361, 363, 366, 367, 368, 369, 380, 383, 386, 392, 394, 398, 399, 400, 410, 411, 413, 414, 419 and 425 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 177-FN-L**, relative to computation of tax increments in municipal economic development and revitalization districts. (Municipal and County Government)

**SB 313**, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage. (Commerce)

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstake purposes. (Ways and Means)

**SB 319**, relative to participation in international lotteries. (Ways and Means)

- SB 320**, establishing a study committee to review independent living retirement communities. (Health, Human Services and Elderly Affairs)
- SB 324**, urging a study of the operating efficiency of state government. (Executive Departments and Administration)
- SB 330**, relative to the administration of a patient's own prescription by emergency medical care providers. (Executive Departments and Administration)
- SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system. (Executive Departments and Administration)
- SB 342**, relative to the purpose of the certificate of need law. ( Health, Human Services and Elderly Affairs)
- SB 351**, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. (Municipal and County Government)
- SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Environment and Agriculture)
- SB 361-FN**, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. (Science, Technology and Energy)
- SB 363**, establishing a committee to study economic distortions associated with property taxation. (Ways and Means)
- SB 366**, relative to the biennial reports of the public utilities commission. (Science, Technology and Energy)
- SB 367**, relative to the guardian ad litem board. (Children and Family Law)
- SB 368**, granting probate courts the power to issue attachments and levies of execution. (Judiciary)
- SB 369**, relative to compensation of guardians and conservators for administrative expenses. (Judiciary)
- SB 380**, establishing a committee to study the space needs of the division of safety services within the department of safety. (Public Works and Highways)
- SB 383**, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. (Judiciary)
- SB 386**, relative to automated external defibrillators. (Criminal Justice and Public Safety)
- SB 392**, establishing a committee to study certification of mortgage loan originators. (Commerce)
- SB 394**, relative to the duties of the advisory committee on international trade. (Commerce)
- SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. (Resources, Recreation and Development)
- SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code. (Commerce)
- SB 400**, establishing a committee to study issues concerning the Poison Information and Control Center. ( Health, Human Services and Elderly Affairs)
- SB 410**, relative to large groundwater withdrawals. (Resources, Recreation and Development)
- SB 411**, extending the reporting dates of certain study committees. (Legislative Administration)
- SB 413**, establishing a committee to study background checks for nursing home employees. ( Health, Human Services and Elderly Affairs)
- SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. (Public Works and Highways)
- SB 419**, relative to notification of groundwater contamination. (Resources, Recreation and Development)
- SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education. (Finance)

## SENATE MESSAGE

### CONCURRENCE

**HB 681**, relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.

**HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro.

### RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 7

Thursday, February 21, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend Anna C. Beach, Pastor of Bow Mills United Methodist Church in Bow.

Holy Creator God, we come before You with our prayers of thanksgiving for the beginning of this new day. We thank You for the blessings that You have bestowed upon us as Your people in this corner of Your world. You have created a world of wonder and natural beauty in New Hampshire that continues to amaze us. We thank You for the grandeur of Your lofty mountain peaks from Mount Monadnock to the Presidential Range. We marvel at Your footsteps that created the valleys and notches. We stand by the seacoast hearing the roar of the surf and seeing the breaking waves that had their origins far from our shores. We test Your pristine lakes and ponds with our toes and fingers until we feel the urge to immerse our whole selves in the refreshing waters.

From our large cities to our small towns and villages we enjoy the beauty of the four seasons that You have placed before us. You have, indeed, given us a wide bounty of gifts for our pleasure and recreation, and we thank You each day that they are ours to enjoy.

However, there are many persons in New Hampshire who are unable to take in the beauty of the world about them because their lives have become so unsettled. They face the loss of jobs as mills close and companies downsize. Others find their lives filled with abuse, both physical and emotional. There are youth who find themselves living on the street often shuffling from one friend's home to another because their families have turned their backs on them. Young children are left alone or with siblings that are not much older than themselves because their parents or parent must hold down multiple jobs just to make ends meet. In this land of beauty and plenty, help us to remember that there are those who are just managing to live day to day and hour to hour. Protect those who are oppressed in any way and help us to find ways that will bring justice and wholeness to their lives. In this world of uncertainty, where there are those who would look for ways to destroy the very lifestyles and freedoms we enjoy, we would ask for your Guard and guide each and every day. Let each one of us take hold of what it means to be free to assemble together, be it as a legislative body, religious congregation, fraternal organization, at a school event, or as family, friends and neighbors gathered together in community.

Lord God, we also thank You for the privilege of serving the people of this state that has been bestowed upon the members of this chamber. We thank You for their dedication, patience, and perseverance as they gather to bring forth and debate the issues facing New Hampshire.

We ask Your special blessing upon Governor Jeanne Shaheen, the Speaker of the House, the State Senate, the Executive Council and all those who serve New Hampshire here in Concord, in our cities and towns, and President Bush as he leads our nation. Be with each one of us today and everyday. We thank You and ask all these things in Your holy name. Amen.

Rep. Robert Giuda led the Pledge of Allegiance.

The National Anthem was sung by Lindsey Clayton, a student from Manchester West High School.

### LEAVES OF ABSENCE

Reps. Arnold, Bishop, Callaghan, Flanagan, Palangas, Rodrigue, Royce and Taylor, the day, illness. Reps. Balcom, Bartlett, Fletcher, Flora, Marilyn Fraser, Gonzalez, LaFlamme, Leber, Lyman, McRae, O'Keefe, Palermo, Pappas, Priestley, Robb, Rodd, Saia, Marjorie Smith, Tahir, Teschner and Torressen, the day, important business.

### INTRODUCTION OF GUESTS

Rene, Elizabeth, Ralph and Karyl Larson, granddaughter, daughter-in-law and guests of Rep. Gabler. Bob and Paula Ferguson, guests of Reps. Sandra Harris and Emerson. Lin Westberg and Jana Stopas, guests of Reps. Gargasz and Drisko. Betty and Bob Clayton, Tom Clayton, parents and brother of Rep. Clayton. Cynthia Herman, wife of Rep. Herman.



## COMMUNICATION

February 20, 2002

Karen O. Wadsworth, Clerk of the House:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 4, James R. Boynton, r. Epping (86 Meadowbrook Drive) 03042

William M. Gardner, Secretary of State

## SUSPENSION OF RULES

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee beyond the deadline on **HB 1102**, establishing a committee to study a hazardous waste coordinator certification program, and **HB 1305-FN**, relative to the pollution prevention program, and reporting and final action beyond deadlines with final action no later than March 21, 2002 on the following House Bills:

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor.

**HB 1102**, establishing a committee to study a hazardous waste coordinator certification program.

**HB 1305-FN**, relative to the pollution prevention program.

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor.

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities.

**HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor.

**HB 1454-FN**, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system.

**HB 1455-FN-L**, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets.

**HB 1458-FN-L**, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system.

**HB 1459-FN-A**, making an appropriation to the Alan B. Shepard discovery center.

**HB 1460-FN**, relative to penalties for alcohol- and drug-related offenses.

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety.

**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education.

**HB 1464-FN**, prohibiting human cloning in New Hampshire.

**HB 1466-FN-L**, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster.

**HB 1467-FN**, relative to the cost of vaccines.

**HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service.

**HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees.

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services.

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system.

**HB 1477**, relative to the use of the real property of counties.

**HB 1478-FN-A**, relative to public health emergency preparation and response.

**HB 1481-FN-L**, relative to a highway construction project in Nashua.

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

**HB 1483**, relative to filling vacancies occurring on school boards.  
 Reps. Herman and Burling spoke in favor.  
 Adopted by the necessary two-thirds.

**COMMITTEE REPORTS**  
**CONSENT CALENDAR**

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone, removed by Rep. Wendelboe.

**HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses, removed by Rep. Wendelboe.

**HB 1165**, establishing a committee to study issues arising from State v. Laurie, removed by Rep. Marshall Quandt.

**HB 1311**, relative to expunging certain mental health records, removed by Rep. Manning.  
 Consent Calendar adopted.

**HB 1125**, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities. **INEXPEDIENT TO LEGISLATE**  
 Rep. Leo W. Fraser, Jr. for Commerce: The provisions of this proposed legislation would have allowed call firefighters to access health insurance of the community in which they reside if the municipalities agreed. Because of some unresolved issues, such as cost implications and eligibility, etc., the sponsor of the bill requested that this bill be reported out as inexpedient to legislate. The bill, if it had been adopted, would have waived the 15-hour week to qualify as part time. Vote 13-0.

**HB 1153**, relative to the jurisdiction of the board of manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marshall E. Quandt for Commerce: This bill, as amended, establishes a committee to study the jurisdiction of the Board of Manufactured Housing and also addresses the location of the records of the Board of Manufactured Housing. The committee felt that due to the volume and nature of the manufactured housing bills, a committee should be formed to study these issues and any other similar issues that the committee feels necessary to review. Vote 14-0.

**Amendment (2498h)**

Amend the title of the bill by replacing it with the following:

AN ACT     establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the jurisdiction of the board of manufactured housing.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the jurisdiction of the board of manufactured housing and shall consider expanding the jurisdiction of the board over manufactured housing park disputes. The committee, at its discretion, may also consider other issues relevant to manufactured housing.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Board of Manufactured Housing; Meetings and Records; Records Maintained at Board Office. Amend RSA 205-A:29 to read as follows:

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or in any other location deemed appropriate by the board. The records of the board shall be maintained at the office of the ~~[consumer protection and antitrust bureau of the department of justice]~~ **board of manufactured housing.**

7 Effective Date. This act shall take upon its passage.

### AMENDED ANALYSIS

This bill establishes a study committee to study the scope of jurisdiction of the board of manufactured housing. The bill also states that the board's records shall be maintained at the office of the board of manufactured housing.

### **HB 1162**, relative to unsolicited electronic email. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This is an ever-increasing problem for all of us: unwanted and unsolicited email. Like telemarketers, most of the onerous communications we receive originates in other states, or for that matter, in other countries as a result of which we in New Hampshire have little or no control. The sponsor agreed with the committee that a better course of action would be to prepare a House Concurrent Resolution directed to our New Hampshire Attorney General, the US Attorney General and our congressional delegation. Based on the foregoing, the committee was unanimous in reporting the bill out as inexpedient to legislate. Vote 14-0.

### **HB 1166**, relative to sign restrictions regarding alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill allows brand advertising of liquor and beverages sold in the state through the use of internally illuminated signs inside licensed premises. The amendment excludes the use of neon signs and signs outside the licensed premise. Vote 11-3.

### Amendment (2611h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to alcoholic product advertising.

Amend the bill by replacing all after the enacting clause with the following:

1 Holders of Beverage Manufacturer, Beverage Vendor Importer, Wholesale Distributor, Beverage Vendor, Beverage Representative, and Other Licenses; Prohibited Interests; Applicability. Amend RSA 179:11, VI to read as follows:

VI. The provisions of ~~[this section]~~ **paragraphs IV through V** shall also apply to liquor and wine manufacturers, liquor and wine vendors, liquor and wine representatives, and liquor and wine salespersons.

2 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Sign Restrictions. Amend RSA 179:25 to read as follows:

I. No **brand** advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs ~~[inside or]~~ outside the licensed premises. ***Brand advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs inside the licensed premises.*** Notwithstanding the above, beverage manufacturers and wholesale distributors may advertise on the site of their licensed premises through the use of internally illuminated signs.

II. For the purposes of this section, internally illuminated signs shall include ~~[neon]~~ back lighted, ~~[flashing]~~ or similar signs, **but shall not include neon signs.**

III. All exterior signs shall be in conformance with city or town requirements.

**IV. For purposes of this section only, "brand advertising" means advertising that includes a name, trademark, symbol, logo, slogan, or other distinguishing mark or device that identifies any product or manufacturer.**

3 Alcoholic Beverages; Product Advertisement. Amend the introductory paragraph of RSA 179:28 to read as follows:

An industry member may furnish, give, rent, loan, or sell product displays **or other things of value** to a retailer, subject to the following conditions and limitations:

4 Effective Date. This act shall take effect July 1, 2002.

## AMENDED ANALYSIS

This bill limits the applicability of certain prohibitions on the advertising of alcoholic beverages. This bill also modifies the applicability of certain interest prohibitions on certain persons licensed by the liquor commission.

**HB 1167**, relative to wine tasting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill will allow New Hampshire wine manufacturers to sell their products at farmers' markets. It also, through rules adopted by the liquor commission, will allow manufacturers to transport their products to farmers' market and to sell such products at retail in their original container. Vote 14-0.

**Amendment (2602h)**

Amend the title of the bill by replacing it with the following:

AN ACT permitting wine manufacturers to sell their products at farmers' markets.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Alcoholic Beverages; Definitions; Farmers' Market. Amend RSA 175:1 by inserting after paragraph XXXI the following new paragraph:

XXXI-a. "Farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

2 Liquor Licenses and Fees; Wine Manufacturer License; Sale of Wine; Farmers' Markets. Amend RSA 178:6, III to read as follows:

III. Each manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its domestic wines. Visitors at said premises may be provided with reasonable samples of wine for tasting. *Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market, and may sell such products at retail in the original container.*

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill permits wine manufacturers to sell their products at farmers' markets.

**HB 1176**, limiting the hours available for telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill, if adopted, would give telemarketers the opportunity to call only between the hours of 9 am and 5 pm Monday through Friday. This bill, although well intentioned, would be pre-empted by federal law that allows for calling during the hours of 8 am and 9 p.m. As most all of the telemarketers are located out-of-state, they are engaged in interstate commerce and would therefore be regulated by the federal government FCC and FTC. Vote 13-1.

**HB 1220**, relative to assisted living residences and housing for older persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The bill requires that all assisted living residences must disclose all costs and services for any new elderly resident. The amended bill requires the Department of Health and Human Services to draft the standardized form that would be used. Vote 13-0.

**Amendment (2603h)**

Amend RSA 161-J:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Housing for older persons" means housing which provides or holds itself out as providing on-site personal assistance services over and above service coordination and housing which is:

(a) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years or older per unit.

161-J:3 Applicability. This chapter shall apply to assisted living residences as defined in RSA 161-J:2, II and housing for older persons as defined in RSA 161-J:2, III.

Amend RSA 161-J:5 as inserted by section 1 of the bill by replacing it with the following:

161-J:5 Standard Disclosure Summary. The standard disclosure summary, which shall accompany a residential services agreement, shall be in a form adopted by the commissioner of the department of health and human services by rule pursuant to RSA 541-A.

**HB 1290**, relative to genetic information. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser for Commerce: During the course of the public hearing, it was claimed that entities that are recipients of blood donations use that sample (without permission of the donor) for purposes other than what was ascribed. In the course of our review a representative of the committee discussed with one of the state's leading laboratories about what the blood that is taken is used for. This entity as well as all other similar endeavors, does test the blood for exactly what the doctor prescribes, no more, no less. The findings of the lab are provided to the physician and that report becomes part of the confidential record of the patient. Further, we learned that state law requires the blood to be held by the lab for seven days after which it is incinerated. A representative of the committee was in touch with management of one of our leading hospitals and essentially the same process takes place when a blood sample is taken by a hospital in that it is tested for whatever the physician prescribes, nothing more, nothing less. After that the blood sample is also incinerated. The third entity that was contacted was the American Red Cross. We learned that the first thing that happens is that a "Whole Blood Number" is assigned to the donation. We further learned that if a person should be a frequent donor a different "Whole Blood Number" is assigned to each donation. For safety purposes a three-page description of the tests are completed on a donor's blood before the blood is distributed to hospitals. Pheresis-donated blood is for leukemia, chemotherapy and other patients who need to increase their platelet count. This test is a genetic test to assure a close match between donor and patient. The closer the match, the more likely the patient's platelet count will improve. Informed consent forms for Pheresis donors is completed and three pages relating to Red Cross policies and procedures to ensure confidentiality of blood donor information is provided. The confidential records of the donor are stored in Dedham, MA. Further, the only record that is sent to the hospital with the whole blood is the "Whole Blood Number". Although legislation was well intentioned, the confidentiality of the donor and what the blood is used for is extremely well safeguarded. Vote 12-1.

**HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill permits the holder of a wine manufacturer license to be issued a restaurant or a full service restaurant with lounge license by the Liquor Commission. Currently beverage (beer) manufacturers are permitted to have restaurant licenses and this bill gives the same privilege to the three wine manufacturers in the state. Vote 12-0.

**Amendment (2413h)**

Amend the title of the bill by replacing it with the following:

AN ACT permitting wine manufacturers to be issued restaurant licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Wine Manufacturer License; Restaurant. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. The holder of a wine manufacturer license, or designee, may be issued a restaurant or a full service restaurant with lounge license at the discretion of the commission. The annual fee for each license issued under this section shall be as required under RSA 178:27.

2 Effective Date. This act shall take effect July 1, 2002.

**AMENDED ANALYSIS**

This bill permits the holder of a wine manufacturer license to be issued a restaurant or a full service restaurant with lounge license.

**HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The original proposed legislation would have adopted language addressing the relationship between manufactures and dealers in the sale of off-highway recreational vehicles (OHRV). However, if the original version had been embraced it would have

created an entire new section of the law. Because of the similarities in many of the sections of the RSA's between automobile dealers and manufacturers, and OHRV's and manufacturers, it made more sense to incorporate in current law the issue addressing the relationship between dealers of OHRV's and the manufacturers. There are actually five amendments that needed to be addressed. The first would change RSA 367-C: 7 which currently says that a motor vehicle dealer can be terminated for not performing in sales or service, but only after the manufacturer gives the dealer 180 days to cure the defective performance. The second, RSA 357-C: 3, provides that a manufacturer must deliver product to a dealer within a reasonable time after receiving the order. However, OHRV manufacturers usually have only one time of the year when dealers place orders for the entire season. Third, RSA 357-C: 31-B places disclosure requirements on a dealer who offers a direct import for sales. This section would impose the disclosure requirements on most OHRV's because they technically would be considered direct imports. Fourth, RSA 357-C: 9 places restrictions on a manufacturer adding or relocating a dealer. The key to the section is the dealer's relevant market area. Automobile franchisees have the relevant market area stated in their franchise agreements by town or zip code. OHRV franchise agreements usually do not have such specific designations of market area. Therefore this section of RSA 357 probably would be rendered meaningless to OHRV dealers. One solution would be to require OHRV manufacturers to specify the relevant market area in OHRV franchise agreements. The fifth and last change adds to the automobile "lemon law" (RSA 259:60) to the private passenger or station wagon type vehicle, any OHRV as defined in RSA 250-A. Vote 12-0.

#### **Amendment (2597h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Motor Vehicle Arbitration; Off Highway Recreational Vehicle Added to Definition of Motor Vehicle. Amend RSA 357-D:2, X to read as follows:

X. "Motor vehicle" means:

(a) A motor vehicle, as defined in RSA 259:60, of the private passenger or station wagon type with a gross weight not exceeding 9,000 pounds that is purchased or leased by a consumer; or

(b) Any other 4-wheel motor vehicle with a gross weight not exceeding 9,000 pounds, except tractors, ~~[off highway recreational vehicles;]~~ and mopeds; or

(c) Motorcycles; *or*

(d) *Any off highway recreational vehicle as defined in RSA 215-A:1, VI.*

2 New Motor Vehicle Arbitration; Enforcement of Warranties; OHRV Added. Amend RSA 357-D:3, V to read as follows:

V. If, after a reasonable number of attempts, the manufacturer, its agent or authorized dealer or its delegate is unable to conform the motor vehicle to any express warranty by repairing or correcting any defect or condition covered by the warranty which substantially impairs the use, market value, or safety of the motor vehicle to the consumer, the manufacturer shall, at the option of the consumer within 30 days of the effective date of the board's order, replace the motor vehicle with a new motor vehicle from the same manufacturer, if available, of comparable worth to the same make and model with all options and accessories with appropriate adjustments being allowed for any model year differences or shall accept return of the vehicle from the consumer and refund to the consumer the full purchase price or to the lessee, in the case of leased vehicles, as provided in paragraph IX. In those instances in which a refund is tendered, the manufacturer shall refund to the consumer the full purchase price as indicated in the purchase contract and all credits and allowances for any trade-in or down payment, license fees, finance charges, credit charges, registration fees, and any similar charges and incidental and consequential damages or, in the case of leased vehicles, as provided in paragraph IX. Refunds shall be made to the consumer and lienholder, if any, as their interests may appear, or to the motor vehicle lessor and lessee as provided in paragraph IX. A reasonable allowance for use shall be that amount directly attributable to use by the consumer prior to the first repair attempt and shall be calculated by multiplying the full purchase price of the vehicle by a fraction having as its denominator 100,000, or for a motorcycle *or OHRV* with an engine size of 250 cubic centimeters or smaller 20,000, or for a motorcycle *or OHRV* with an engine size greater than 250 cubic centimeters 40,000, and having as its numerator the number of miles that the vehicle traveled prior to the first attempt at repairing the vehicle.

3 New Motor Vehicle Arbitration; Enforcement of Warranties; OHRV Added. Amend RSA 357-D:3, IX (a) to read as follows:

(a) The manufacturer shall provide to the lessee the aggregate deposit and rental payments previously paid to the motor vehicle lessor by the lessee, and incidental and consequential damages, if applicable, minus a reasonable allowance for use. The aggregate deposit shall include, but not be limited to, all cash payments and trade-in allowances tendered by the lessee to the motor vehicle lessor under the lease agreement. The reasonable allowance for use shall be calculated by multiplying the aggregate deposit and rental payments made by the lessee on the motor vehicle by a fraction having as its denominator 100,000 or for a motorcycle **or OHRV** 20,000, and having as its numerator the number of miles that the vehicle traveled prior to the first attempt to repair the vehicle.

4 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of Motor Vehicle Amended. Amend RSA 357-C:1, I to read as follows:

1. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire, not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products. *Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles.*

5 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of New Motor Vehicle Amended. Amend RSA 357-C:1, XV to read as follows:

XV. "New motor vehicle" means a **motor** vehicle which is in the possession of the manufacturer or distributor, or has been sold only to the holders of a valid sales and service agreement, franchise or contract granted by the manufacturer or distributor for the sale of that make of new motor vehicle and which is in fact new and on which the original title, *to the extent a title is required by the state of New Hampshire*, has not been issued from the franchised dealer.

6 New Paragraphs; Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of OHRV added. Amend RSA 357-C:1 by inserting after paragraph XXIII the following new paragraphs:

XXIV. "OHRV" means off highway recreational vehicle.

XXV. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis, or cushioned air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said OHRV is being used for transportation purposes only, it shall be deemed that said OHRV is not being used for recreational purposes. For purposes of this chapter OHRVs shall also include: "all terrain vehicles" as defined in RSA 215-A:1, I-b, "snow traveling vehicle" as defined in RSA 215-A:1, XIII, and "trail bike" as defined in RSA 215-A:1, XIV.

7 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Prohibited Conduct Relative to Disclosure Prior to Sale of Direct Import Vehicle; OHRVs Excluded. Amend the introductory paragraph of RSA 357-C:3, I-b to read as follows:

I-b. Distributor or motor vehicle dealer, in offering for sale a direct import vehicle **other than an OHRV**, not to disclose to the prospective buyer in writing the following:

8 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Prohibited Conduct Relative to Delivery of Motor Vehicles; Exception Added. Amend RSA 357-C:3, III(a) to read as follows:

(a) Refuse to deliver in reasonable quantities, and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, distributor branch or division, or factory branch or division, any motor vehicles covered by such franchise or contract and specifically advertised by such manufacturer, distributor, distributor branch or division, or factory branch or division to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this subparagraph if such failure is due to an act of God, work stoppage or delay due to strike or labor difficulty, shortage of materials, *the seasonal nature of the production and ordering of the new motor vehicles*, freight embargo, or other cause over which the manufacturer, distributor, or any agent thereof, shall have no control;

9 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Limitations on Cancellations, Terminations and Nonrenewals; Failure of Performance Under Franchise Agreement. Amend RSA 357-C:7, II(b)(2) to read as follows:

(2)(A) *Except with regard to OHRV dealers*, such failure thereafter continued within the period which began not more than 180 days before the date notification of termination, cancellation, or nonrenewal was given pursuant to paragraph V; and

(B) *With regard to OHRV dealers, such failure thereafter continued within the period which began not more than 365 days before the date notification of termination, cancellation, or nonrenewal was given pursuant to paragraph V; and*

10 Effective Date. This act shall take effect January 1, 2003.

#### AMENDED ANALYSIS

This bill includes off highway recreational vehicles (OHRVs) in RSA 357-C, which regulates business practices between motor vehicle manufacturers, distributors, and dealers, and RSA 357-D, the state "lemon law."

#### **HB 1392**, relative to mediation before the board of manufactured housing. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall E. Quandt for Commerce: This bill requires the Board of Manufactured Housing to attempt to resolve manufactured housing park rules through mediation prior to scheduling an administrative hearing before the board by forcing mediation in each complaint. The committee felt that mediation should be dealt with on a voluntary basis and on a case by case basis. Vote 13-1.

#### **HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Constance A. Jones for Criminal Justice and Public Safety: Defense attorneys often use administrative license suspension (ALS) hearings as a discovery tool and the cost of law enforcement agencies is high in both dollars and the loss of man-hours required when the officer has to attend the hearings, often on his/her day off and on overtime. HB 1108, with amendment, allows for telephonically conducted hearings for administrative license suspension (ALS) at the request of either the person or the law enforcement officer. Vote 13-1.

#### **Amendment (2454h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to administrative license suspension hearings.

Amend the bill by replacing section 1 with the following:

1 Administrative Review and Hearings; Conduct of Hearings. Amend RSA 265:91-b, 1(c) to read as follows:

(c) If the request is for a hearing, ~~[the request shall also indicate whether or not the person desires to have the law enforcement officer present.]~~ the hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing ~~[may]~~ *shall* be conducted upon a review of the law enforcement officer's report ~~[if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded].~~ If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained. *The hearing may be held by telephone or other electronic means at the request of either the person or the law enforcement officer, provided that the request is received by the department within 30 days of the service of notice under RSA 265:91-a. The director may adopt rules relative to telephonic hearings conducted pursuant to this subparagraph.*

#### AMENDED ANALYSIS

This bill eliminates the requirement that a law enforcement officers appear at the administrative license suspension hearings when requested by the person arrested. This bill also permits administrative license suspension hearings to be held by telephone or other electronic means.

#### **HB 1137**, relative to the crime of resisting arrest. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: RSA 642:2 provides that a person is guilty of a misdemeanor when the person knowingly, purposely or physically interferes with a person recognized to be a law enforcement official seeking to make an arrest or detention. This bill adds



“protective custody” to the definition of “detention”. RSA 172-B:3 provides implied authority for a law enforcement officer to use necessary and reasonable force to take a person into protective custody. Adding “protective custody” to RSA 642:2 extends this same authority to a law enforcement officer who is taking a person into custody pursuant to an order for emergency hospitalization under RSA 135-C:29, where such officer is required to take custody of the person to be admitted. Vote 14-1.

**HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia M. O’Keefe for Criminal Justice and Public Safety: This bill deals with the annulment of criminal records by providing that convictions under the laws of another state must be considered reasonably equivalent to violations under New Hampshire law in the consideration of an annulment petition. The bill also gives judicial discretion in whether a violation, other than those under RSA 265:82 (the Driving Under the Influence statute), shall bar annulment after the required time period has expired. Vote 14-0.

#### **Amendment (2492h)**

Amend RSA 651:5, VI-a as inserted by section 1 of the bill by replacing it with the following:

VI-a. A conviction for an offense committed under the laws of another state which would not be considered reasonably equivalent to a violation of New Hampshire law, shall not count as a conviction for the purpose of obtaining an annulment under this section.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 3:

2 New Paragraph; Annulment of Criminal Records; Discretion of Court. Amend RSA 651:5 by inserting after paragraph III the following new paragraph:

III-a. For a conviction for another crime or offense committed during the time period specified in paragraph III, other than driving while intoxicated under RSA 265:82, and those offenses set forth in paragraph V of this section, the court in its discretion, shall determine if such conviction shall bar annulment after the time period specified in paragraph III has expired, and shall issue its decision in writing.

#### **AMENDED ANALYSIS**

This bill provides that a conviction under the laws of another state of an offense which would not be considered reasonably equivalent to a violation of New Hampshire law, shall not count as a conviction for the purposes of obtaining an annulment of a criminal record in this state. The bill also gives the court discretion to determine whether a conviction for another crime or offense committed during the specified time period shall bar annulment after the time period has expired.

**HB 1185-FN**, relative to the possession of deadly weapons in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would create a class A misdemeanor for the possession of certain deadly weapons in a safe school zone, and create certain exceptions. In essence the bill used RSA 625:11,V to define deadly weapons. It was the unanimous feeling of the committee that this is too broad a definition to make mere possession of a “deadly weapon” a class A misdemeanor. RSA 625:11,V includes any “firearm, knife or other substance or thing which, in the manner used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.” Under this bill possessing a pocketknife would be a crime. Almost any object can be classified as a deadly weapon when considering “the manner in which it is used, intended to be used or threatened to be used, is known to be capable of producing death or serious injury”. The school may make administrative rules to ban specific types of weapons as it deems appropriate. Vote 13-0.

**HB 1186-FN**, relative to penalties for flag desecration. **INEXPEDIENT TO LEGISLATE**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: The charge for desecration of the United States flag is already an existing statutory provision. This bill would add the New Hampshire flag to the existing statute. The committee understands that the sponsors intent was to recognize the men and women of the New Hampshire National Guard and Reserves who are serving in the war on terrorism and to protect the flag of the state their units hail from. The majority of the

committee felt that no flag should be held to an equal degree of respect as the United States flag. The consequence of this bill would be to elevate the status of the New Hampshire flag to be equal to the status of the United States flag. Vote 11-3.

**HB 1258-FN**, relative to post-conviction DNA testing. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would permit a person to petition the court for post-conviction Deoxyribonucleic Acid (DNA) testing on biological material under certain circumstances. Our current state DNA lab is relatively new and is facing a backlog of several months. The lab is seeking accreditation and expects to achieve that status by the end of this year. The requirement of HB 1258 would increase the work of the lab and require infrastructure for storage of samples that simply do not presently exist. Previous legislation has set up a commission that will look at these same issues and therefore the committee, while sympathetic to the issue, have agreed to the further study of the issues and to stay involved in the subject matter. Vote 13-0.

**HB 1285**, relative to the applicability of the stalking statute to minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation provides that the minority of a plaintiff or defendant shall not prohibit the court from issuing a protective order under the stalking statute. Criminal violations of an order by a minor would result in an appearance before juvenile court. Vote 12-2.

**Amendment (2443h)**

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph: Stalking; Protective Orders Involving Minors. Amend RSA 633:3-a by inserting after paragraph III-a the following new paragraph:

III-b. The minority of a plaintiff or defendant shall not preclude the court from issuing protective orders under this section.

**AMENDED ANALYSIS**

This bill provides that the minority of a plaintiff or defendant shall not prohibit the court from issuing a protective order under the stalking statute.

**HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation extends the period of time that peace officers are allowed to make warrantless arrests upon probable cause from 6 hours to 12 hours in cases involving violation of protective or restraining orders under the domestic violence, divorce, and stalking statutes. Small town police departments testified that the current statute allowing 6 hours is insufficient to allow protecting the victim as well as tracking down and arresting the perpetrator. Vote 11-0.

**HB 1356-FN**, establishing the criminal offense of felony pursuit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for Criminal Justice and Public Safety: Under current state law if a person, while being knowingly pursued by the police, is involved in an accident that causes the death of another they can only be charged with a class B felony. The committee believes that this offense is of a similar gravity to that of causing the death of another while operating a vehicle under the influence of alcohol or drugs which is a class A felony. This bill, as amended, will bring causing death while being pursued up to a class A felony. Vote 11-1.

**Amendment (2510h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Rules of the Road; Disobeying an Officer; Felony Offense. Amend RSA 265:4, II to read as follows:

II. Any person who violates the provisions of [paragraphs] *subparagraphs 1(a), (b), (d), (e), or (f)* of this section shall be guilty of a *class A* misdemeanor and may have his *or her* license or privilege to drive and any registrations issued in his *or her* name suspended. If any person other than the driver of the pursued vehicle sustains personal injury in a collision resulting from the driving of a vehicle which is evading pursuit by a law enforcement officer, the driver of such pursued vehicle shall be [guilty of a class B felony] *charged pursuant to paragraph III of this section.*

2 New Paragraph; Rules of the Road; Disobeying an Officer; Felony Pursuit. Amend RSA 265:4 by inserting after paragraph II the following new paragraph:

III.(a) Any person who violates the provisions of subparagraph I (c) shall be guilty of a class A misdemeanor and shall be fined not less than \$500.

(b) Any person who violates the provisions of subparagraph I (c) and is involved in a motor vehicle accident which causes serious bodily injury as defined in RSA 625:11, VI while being pursued shall be guilty of a class B felony.

(c) Any person who violates the provisions of subparagraph I(c) and is involved in a motor vehicle accident which causes the death of another while being pursued shall be guilty of a class A felony

3 Effective Date. This act shall take effect January 1, 2003. Amend the bill by replacing all after the enacting clause with the following:

**HB 1385**, relative to trespassing on certain rail lines. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The committee has recommended that this bill be referred for interim study to allow the railroad representatives an opportunity to meet with opposing groups in an attempt to gain consensus. When legislation was proposed in the state of Maine, the parties representing the railroad met with various organizations that have used, or thought they had the right to use railroad rights-of-way. This has not taken place in New Hampshire and the committee feels that the owners of the railroad need to pursue that route in New Hampshire. The representative of the railroad agreed to meet with New Hampshire organizations and the committee has agreed to stay involved in this issue Vote 13-0.

**HB 1418**, establishing a committee to study the cost of telephone calls from state prison inmates to their families. **REFER FOR INTERIM STUDY**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: HB 1418 would have established a study committee to look at the cost of inmate phone calls with both Senate and House members. The committee determined that the issue could be studied with the Criminal Justice and Public Safety Committee as several members already have a degree of familiarity with this issue. Vote 12-0.

**HB 1425-FN**, relative to protective custody for intoxicated or incapacitated persons. **REFER FOR INTERIM STUDY**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill is a result of a study committee recommendation. During the public hearings, members of the police department, attorney general's office, county jail administration and New Hampshire Civil Liberties Union agreed that several areas of the bill, as written, would have negative, unintentional consequences. There was consensus that additional work is needed to address the problem of public intoxication and the associative protective custody issues. Continued study would help address the valid concerns raised during the hearings. Vote 12-0.

**HB 1432**, establishing a committee to study the use of drug concentration levels to enforce prohibitions against driving under the influence of drugs. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: HB 1432 was submitted at the request of the Dept. of Health and Human Services. The bill was requested to establish a study committee to study the use of bodily substances other than blood, breath, or urine to establish drug and alcohol concentrations for enforcement of Driving Under the Influence of Alcohol or Drugs. While the committee feels that this is an area that should be investigated, there was very little in the way of information presented to the committee to indicate that this study would be able to produce results at this time. The committee feels that this issue should be reevaluated in the future when more information becomes available. Vote 14-0.

**HB 1281**, establishing a commission to study public educational choice initiatives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: The Committee unanimously agreed that, while public school choice alternatives have been examined in years passed, new information and innovation in education make a new study commission timely and relevant. Vote 15-0.

**Amendment (2402h)**

Amend section 2 of the bill by replacing paragraph II with the following:

II. The commission shall consist of the following non-voting members:

(a) The commissioner of the department of education, or designee.

(b) One representative from the New Hampshire School Administrators Association, appointed by the executive director or designee.

(c) One member from the New Hampshire School Boards Association, appointed by the president or designee.

(d) One member from the National Education Association-New Hampshire, appointed by the president of that organization.

(e) The administrator of the bureau of school approval, department of education, or designee, appointed by the commissioner of the department of education.

Amend the bill by replacing sections 3-4 with the following:

3 Duties. The commission shall consider the work of previous commissions in developing the focus of the study. In addition, the commission shall study:

I. The feasibility of various public school choice initiatives in New Hampshire including, but not limited to, charter schools, open enrollment schools, magnet schools, and alternative public schools.

II. Whether such initiatives can be implemented within the existing framework of the New Hampshire public educational system.

III. The effect of public school choice programs on children, schools, and communities in New Hampshire.

IV. Any other issue deemed relevant to its purpose.

4 Chairperson; Quorum. The legislative members of the study commission shall elect a legislative chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three legislative members of the commission shall constitute a quorum.

**HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: The committee feels this bill brings new handicapped voter issues that should be studied further. There are many new technologies available for the hearing and visually impaired. We also heard testimony regarding access to polling booths not meeting standards for all wheelchair equipment as that technology has changed also. By studying this issue now we will be ready to apply for federal money when it becomes available in the fall. Vote 16-0.

**HB 1181**, requiring registration of political parties. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have eliminated the percentage of votes that an organization would have to receive to become a party. An amendment would have set up three separate classifications: 1) a major party, 2) a minor party, and 3) party "organizations". The majority of the committee believes that the current system of party recognition is both fair and working well. Vote 16-0.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: The bill as amended allows for inspection of certified plant dealers, plant nurseries, and unposted land for invasive species. Posted land, private buildings and vehicles would require the consent of the owner, or the acquisition of a search warrant. Vote 16-0.

#### **Amendment (2442h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Administrative Authority; Inspection; Rulemaking. RSA 430:55 is repealed and reenacted to read as follows:

430:55 Administrative Authority; Inspection; Rulemaking.

1. The commissioner of agriculture, markets, and food shall adopt rules in accordance with RSA 541-A for carrying out provisions of this subdivision. For the purpose of inspecting for, or eradicating prohibited species, the commissioner shall, in person or by deputy or agent, have access to:

(a) Land, places, buildings, or vehicles of a licensed or certified plant dealer or nursery, at all reasonable hours.

(b) Land not posted pursuant to RSA 635:4 at any time, but unposted land shall not include buildings, vehicles, or areas considered to be curtilage.

(c) Land posted pursuant to RSA 635:4, places, buildings, or vehicles at such time and under such conditions as the owner may consent.

(d) Land posted pursuant to RSA 635:4, places, buildings, or vehicles upon obtaining a search warrant pursuant to RSA 595-A, if the owner does not consent.

II. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and the rules adopted under this subdivision, and to prosecute violations thereof.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1171, establishing a committee to study the state's role in supporting organic agriculture. OUGHT TO PASS WITH AMENDMENT**

Rep. Derek Owen for Environment and Agriculture: The committee felt a study, as the original bill called for, was unnecessary. The committee believes recommending that the NH Department of Agriculture, Markets and Food to adopt the National Organic Standards and Certification program is a more appropriate action at this time. Vote 16-0.

**Amendment (2571h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to organic food production.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition. RSA 426:6 is repealed and reenacted to read as follows:

426:6 Definition. In this chapter, "organic" means an agricultural plant, animal, food, or fiber commodity produced in accordance with the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

2 Labeling and Advertising. RSA 426:6-a is repealed and reenacted to read as follows:

426:6-a Labeling and Advertising. An agricultural plant, animal, food, or fiber commodity shall not be sold or labeled as organic unless it meets the requirements set forth in the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

3 Certification. RSA 426:6-b is repealed and reenacted to read as follows:

426:6-b Certification.

I. Any producer, processor, or handler of agricultural plant, animal, food, or fiber commodities that are sold, labeled, or represented as "100 percent organic," "organic," "made with organic," or similar terms, shall be enrolled in a certification program which includes an inspection made no less than annually, by a certifying agency accredited by the United States Department of Agriculture in accordance with the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205, unless such producer, processor, or handler is exempted therein.

II. The commissioner may enter into a cooperative agreement with the United States Department of Agriculture to become an accredited certifying agency as provided for by the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205, and to implement the provisions thereof.

III. The commissioner may employ inspectors to certify agricultural producers, processors and handlers in this state, and to determine whether or not agricultural plant, animal, food, or fiber commodities are marked, branded, or labeled in accordance with the labeling requirements set forth in this chapter and in the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

4 Rulemaking; Fees. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections *and certifications* authorized by *RSA 426:6-b and* RSA 426:7. Such fees shall be credited to the general funds of the state.

5 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill provides for New Hampshire standards on organic food to conform with federal standards.

**HB 1399-L**, relative to assessment of the land use change tax. **REFER FOR INTERIM STUDY**  
Rep. Donald R. Philbrick for Environment and Agriculture: This bill was in response to a problem which was reported by the assessors for the city of Dover. The problem is complex and involves change of use tax for current land use. The committee feels it needs more time to make a recommendation and avoid unintended consequences. Vote 16-0.

**HB 1140**, providing for the nomination and appointment of a "state treasure." **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This proposed legislation would provide for up to 5 appointments per year to a lifetime appointment as a "state treasure" appointed by the governor and council. The committee heard no strong support for consideration of this bill and felt that there was sufficient means by which to recognize a worthy citizen. Therefore, this was an unnecessary piece of legislation. Vote 15-0.

**HB 1224**, adopting the nurse licensure compact. **INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: At present this bill is premature for the State of New Hampshire. If implemented, it would not address the nursing shortage, as it does not create more nurses for the state. New Hampshire would have no recourse in dealing with nurses from other states that may have lower requirements, i.e. the state would have to honor other state's licenses as well as their continuing education standards. Therefore, we feel this bill is not appropriate at this time. Vote 16-0.

**HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill as amended allows these paraprofessionals and support positions into the system provided they meet the minimum participation standards for full time teachers as provided in rules adopted by the board of trustees of the retirement system. Specific positions and functions are outlined in the bill. It was the intention of the committee to allow all school districts present and future the option of including such additional employees into the retirement system. The amendment makes the bill enabling legislation allowing the incorporation of the specific paraprofessional and support positions on a negotiated or voluntary basis by the school district into the retirement system thus avoiding any 28-a constitutional issues. Vote 15-0.

**Amendment (2587h)**

Amend RSA 100-A:20, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The governing body of any school district that has elected pursuant to paragraph I to have its employees participate in the retirement system may also elect to have employees participate in the New Hampshire retirement system who are employed in paraprofessional or support positions requiring direct involvement with students, such as the positions of classroom, academic, teacher, special education, library, or health aide/assistant, and who meet the minimum participation standards for full-time teachers as provided in rules adopted by the board of trustees.

**AMENDED ANALYSIS**

This bill allows school districts currently in the retirement system or those electing to join the retirement system to include certain additional paraprofessional and support positions employees.

**HB 1377-FN**, relative to the regulation of physical therapists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill was amended so that we could strengthen the statutes of physical therapy. We have finally equalized physical therapy practice and all practices now have equal status. The bill also insures that physical therapy assistants will have direct supervision so that their work can be monitored by a licensed physical therapist. The bill, as amended, has the support of the New Hampshire Chiropractic Profession and the New Hampshire Medical Society Vote 14-0.

**Amendment (2513h)**

Amend RSA 328-A:2, XI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Alleviating impairments, movement dysfunctions, and disabilities by designing and implementing, and modifying interventions that include, but are not limited to therapeutic exercise;

training related to movement dysfunctions in self care and in home, community or work integration or reintegration; manual therapy including soft tissue and joint mobilization; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive devices and equipment related to movement dysfunctions; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction.

Amend RSA 328-A:7, II as inserted by section 1 of the bill by replacing it with the following:

II. A physical therapist applicant may take the examination for licensure after the application process has been completed. The National Physical Therapy Exam shall test competency related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation.

Amend RSA 328-A:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. An applicant for licensure who does not pass the examination after the first attempt may retake the examination 3 additional times. An applicant shall be ineligible for licensure if he or she fails to pass after 4 attempts. Before the board may approve an applicant for subsequent testing, the applicant shall reapply for licensure and shall demonstrate evidence satisfactory to the board, pursuant to rules adopted by the board under RSA 541-A, of successful completion of additional clinical training or course work, or both, as determined by the board.

Amend RSA 328-A:8, I as inserted by section 1 of the bill by replacing it with the following:

I. Nothing in this chapter shall be construed to restrict a person licensed under any other law of this state from engaging in the profession or practice for which that person is licensed.

Amend RSA 328-A:9, II as inserted by section 1 of the bill by replacing it with the following:

II. A physical therapist shall refer a patient or client to appropriate health care practitioners when:

(a) The physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice; or

(b) Physical therapy is contraindicated; or

(c) There is no documented improvement within 25 calendar days of the initiation of treatment.

Amend RSA 328-A:9, VI as inserted by section 1 of the bill by replacing it with the following:

VI. A physical therapist may purchase and store topical and aerosol medications, to be administered upon the prescription of a appropriately licensed health care practitioner, as part of the practice of physical therapy as defined herein. A physical therapist shall comply with any regulation duly adopted by the New Hampshire pharmacy board specifying protocols for storage of medications.

Amend RSA 328-A:9 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing, except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes including cauterization, shall not be authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:10, II as inserted by section 1 of the bill by replacing it with the following:

II. A person or business entity, its employees, agents or representatives shall not use in connection with that person's name or the name or activity of the business, the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist" or "registered physical therapist," the letters "PT," "LPT," "RPT," "CPT," "MPT," "DPT," or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this chapter. A person or entity that violates this paragraph is guilty of a violation for a first offense, and guilty of a misdemeanor for any subsequent violations of this paragraph.

Amend RSA 328-A:11, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A physical therapist assistant shall work under a physical therapist's general supervision. A physical therapist assistant shall document care provided with the co-signature of the supervising physical therapist.

Amend the bill by inserting after section 3 the following and renumbering the original section 3 to read as 6:

4 Application; Reissuance of Licenses.

I. Any person licensed by the physical therapy governing board prior to the effective date of this act and who either presently holds a physical therapist II license, or presently holds a physical therapist I license and has held the physical therapist I license for at least 2 years shall be reissued a license by the board, notwithstanding any further requirements provided in section 1 of this act.

II. A person who presently holds a physical therapist I license and has held the physical therapist I license for less than 2 years shall be reissued a license if the person either shows proof of 2 years experience and completion of continuing education deemed sufficient as defined in rules adopted by the board, or evidences graduation, after May 1, 1999, from a masters level physical therapy educational program accredited by a national agency approved by the board.

5 Application of Penalties. A person who is not licensed as a physical therapist by the board but who, prior to the effective date of this act, legally used the terms, designation, or abbreviations listed in RSA 328-A:10, II, shall be permitted to continue the use of such terms, designations, or abbreviations for one year following the effective date of this act, and shall not be subject to penalties under RSA 327-A:10, II or RSA 328-A:12, I as inserted by this act. Following the one-year period, such persons shall be subject to the penalties for unlawful practice.

**SB 347**, establishing a study committee on public building access and the disabled. **OUGHT TO PASS** Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: The entire committee thought that SB 347 focuses on the major problems which will plague a portion of the disabled community here in New Hampshire which are not covered by the A.D.A. (American Disabilities Act). Testimony was heard regarding the needs and problems facing the people with disabilities every day. If this bill was not properly studied, it could, on the surface, have major negative financial impact on business owners, and owners of public institutions. Recognizing the need to do something to assist the people with disabilities to have access to public bathrooms or even family rooms, the committee voted unanimously that this needed more study to identify those areas which were not even brought up in testimony. Vote 15-0.

**HB 1431**, relative to the required term of service for jurors. **INEXPEDIENT TO LEGISLATE** Rep. Larry G. Elliott for Judiciary: This bill, as proposed, would amend RSA 500-A:8 which states that "any person who is summoned to serve as a juror on the petit or grand jury shall not be required to serve a term longer than 30 days." The goal of the sponsor was to shorten the term for which a person is called for jury service to 14 days. The committee received testimony that presently the average person serves 3.5 days as a juror when called. It is possible for individuals to be called to sit on more than one case during their 30 days of service. However, we heard no testimony of anyone who was adversely affected by the length of time that they were called for jury service. Most individuals who cannot participate in jury service are quickly relieved by the judicial system, whether it is service in the State Legislature, a hardship at work, military service, etc. The committee did find that twice as many people would have to be called for jury service if there were to be two separate juror pools and that this would have an increased cost to the judiciary because a \$20 per day per diem is paid to each juror plus mileage, and all prospective jurors are required to show up at the courthouse to find out if they have been selected for a case and to receive instructions. There being no fiscal note on the bill explaining what the fiscal impact would be and no person appearing before the committee who was adversely affected by being called for jury duty, the majority of the committee felt that it was in the best interest of fiscal and public policy to remain with the current system. Vote 10-2.

**HB 1101**, relative to the payment date for county taxes. **INEXPEDIENT TO LEGISLATE** Rep. William G. Johnson for Municipal and County Government: This bill addresses interest charges assessed by a county on a town for late payment of county taxes under RSA 29:11. However, the committee heard testimony that the bill would negatively impact many municipalities by forcing them to pay county taxes earlier than current statute allows. The sponsor offered an amendment that would extend the due date for payment of county taxes. However, this would have cost the counties significant interest and placed them at risk of non-compliance with payment of bond debt service. Furthermore, RSA 29:12 provides a remedy by allowing towns to petition the county convention for an abatement of interest. The committee recommended that the town remedy their situation in that manner. Vote 16-0.

**HB 1141**, relative to the adoption of innovative land use zoning. **INEXPEDIENT TO LEGISLATE** Rep. Robert W. Brundige for Municipal and County Government: This bill would require a 2/3 affirmative vote by ballot to adopt any innovative land use zoning ordinance or amendment that is



not recommended by the planning board. Innovative land use planning is one of the tools provided for our communities to shape their growth and development. The committee opposed this bill because it would hinder the ability of communities to adopt innovative measures by requiring a 2/3 vote for any such proposed measures not supported by the planning board. Vote 15-0.

**HB 1154**, relative to appeals of historic district commissions. **INEXPEDIENT TO LEGISLATE**  
Rep. Nancy M. Scovner for Municipal and County Government: The purpose of this bill was to require the Zoning Board of Adjustment (ZBA), when hearing historic District commission appeals, to give more weight to that Commission's decision by requiring the higher standard of burden of proof "unlawful or unreasonable" instead of "de novo". This would have limited the authority of the ZBA in those specific appeals. The committee recognized the fact that the ZBA has a broader picture of the community and is in the position to be able to weigh all pertinent facts in an impartial manner, which is the ultimate goal of the appeal process at the local level. Therefore, the members of the Municipal and County Government Committee voted against reducing the authority of the ZBA. Vote 15-1.

**HB 1156**, relative to the issuance of building permits on private roads. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill allows a building permit to be issued for a lot on a private road if the local governing body has voted to allow development on private roads. It relieves the municipality of any responsibility for maintaining private roads and relieves it from liability from damages caused resulting from the use of such roads. This bill also requires the applicant to show that a notice of the limits of municipal responsibility and liability has been recorded in the county registrar of deeds before the building permit may be issued. Vote 15-0.

#### Amendment (2540h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Erection of Buildings on Private Roads.. Amend RSA 674:41, I by inserting after subparagraph (c) the following new subparagraph:

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof;

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows a building permit to be issued for a lot on a private road if the local governing body has voted to allow development on that private road. It relieves the municipality of any responsibility for maintaining private roads and relieves it from liability for damages resulting from the use of such roads. The bill also requires the applicant to show that a notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds before the building permit may be issued.

**HB 1215**, relative to county delegations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: The bill as written is intended to set up a separate elected position of county delegate. This would result in 400 additional elected officials. Since the committee felt that the intent of the sponsor was to educate state representative candidates to the fact that they are also county delegates, an amendment to RSA 655:29, I which changed the affidavit for Candidate for Representative form to include that duty is sufficient to fulfill that purpose. Vote 16-0.

#### Amendment (2501h)

Amend the bill by replacing all after the enacting clause with the following:

1 Qualifications of Candidates; Affidavit for Candidate for Representative. Amend RSA 655:29, IV to read as follows:

IV. (For use by candidate for state representative): I, \_\_\_\_\_, candidate for the office of representative from district no. \_\_\_\_\_ of \_\_\_\_\_ county, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. \_\_\_\_\_ of \_\_\_\_\_ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee. *I further recognize that, if elected, I will serve as a delegate to the county convention.*

2 Effective Date. This act shall take effect June 1, 2002.

#### AMENDED ANALYSIS

This bill amends the affidavit that must be filed by candidates for state representative to include an acknowledgment of the duty to serve as a county convention member.

#### **HB 1254**, relative to the budget preparation procedures of municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows the governing body to post its proposed budget if the budget committee fails to deliver a budget. Currently, without this bill as amended, there is nothing in the RSA's regarding any consequence if the budget committee fails to deliver a budget. Vote 13-1.

#### **Amendment (2536h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph VIII the following new paragraph:

IX. If the budget committee fails to deliver a budget prepared in accordance with this section, the governing body shall post its proposed budget with a notarized statement indicating that the budget is being posted pursuant to this paragraph in lieu of the budget committee's proposed budget. This alternative budget shall then be the basis for the application of the provisions of this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that the budget prepared by the governing body of a municipality shall become the proposed budget if the budget committee fails to provide a new proposed budget.

#### **HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards. **OUGHT TO PASS**

Rep. William. Johnson for Municipal and County Government: This bill would increase the lead time for filing petitions for zoning changes by 30 days. The committee heard testimony that such an increase was warranted to allow planning boards adequate time to give due diligence to such important matters. This becomes especially true given the time of the year, the year-end holiday season and the required notification for public meetings. Vote 14-0.

#### **HB 1288**, relative to regular meetings of local planning boards. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill allows a planning board to cancel its monthly meeting in any month when there is not regular business scheduled before it, in accordance with RSA 673:10. All testimony favored passing this bill because, at present, boards must meet, even though in the previous month, the board may have had numerous meetings and finished all business. The passage of this bill would save municipalities money by not requiring permanent staff to attend a meeting that is opened and then closed as a formality. The board must give a notice of cancellation to the general public by publishing the notice in a paper of general circulation in the municipality and posting it at least two public places at least 10 days before the meeting. Vote 14-0.

#### **HB 1195**, relative to the comprehensive shoreland protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would change the method of determining the order classification of fourth order or higher waters. The committee recognized the need for changes in this area as pointed out by the sponsors. However, it was learned

that the Office of State Planning and UNH are presently working on this issue and will soon present their recommendations. The committee felt that this would satisfy the sponsors concerns. Therefore, this bill is not necessary. Vote 12-0.

**HB 1247**, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill establishes a committee to see if transfer fees could be levied on land purchases, for conservation purposes, by federal, state, and other public agencies which might hurt the town or towns in which that land is located. The committee will also explore the idea of designating these fees to aid the schools in the affected town or towns in which this land is located. The amendment increases the scope of the committee's review to include the study of payment in lieu of taxes to a town for land that has been purchased for conservation and to assess its impact on the town by the removal of that land from the tax base. Vote 12-0.

**Amendment (2576h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes. The committee shall also study the feasibility of assessing a land transfer fee on each such land transfer and designating the fee for public education in the school district or districts affected by that land transfer.

**AMENDED ANALYSIS**

This bill establishes a committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

**HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program. **OUGHT TO PASS**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would incorporate the entire 18 mile length of the Isinglass River into the Rivers Management Protection Program per RSA 483. The river would then become the 14th river so protected. The process for this designation originates at the local level where local organizations in the communities along the river present a proposal for protection to the Department of Environmental Services (DES). The Department of Environmental Services (DES) then analyzes the proposal and, if approved, presents a nomination to the legislature. The Isinglass River has gone through this process and has received the support of many individuals and organizations in the abutting communities. At the public hearing, a group of students from the 7th grade at Barrington Jr. High School made a strong presentation for protecting this special river. Vote 14-0.

**HB 1444**, prohibiting the commemoration of groups who take up arms against United States policies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: As amended, the bill requires not only the consent of the governor and council but includes a majority vote of the legislature prior to placing memorials on certain state grounds. The unanimous vote of the committee feels that legislative oversight is needed. Vote 16-0.

**Amendment (2563h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

Amend the bill by replacing all after the enacting clause with the following:

1 Portraits or Other Memorials; Majority Vote of Legislature Required. Amend RSA 4:9 to read as follows:

4:9 Portraits or Other Memorials. No portraits, busts, statues, or other memorial objects shall be placed in or on the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birthplace, or grounds connected with each without the consent of the governor and council **and a majority vote by the house of representatives and the senate**. The director, division of historical resources, shall be responsible for the location and care of such memorial objects at any of these sites.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires a majority vote of the legislature to place a memorial on certain state grounds.

**HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee. **OUGHT TO PASS**

Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: This bill extends the committee studying the status of Veterans in New Hampshire. It also changes the membership in the "State Veterans Advisory Committee" to include 2 house members and 2 senators along with 10 representatives of the various veterans organizations. It also changes the term from "Armed Forces" to "Uniformed Forces". Vote 16-0.

**HB 1163**, relative to child passenger restraints. **REFER FOR INTERIM STUDY**

Rep. Robert J. Letourneau for Transportation: While the committee understands the sponsor's intent, we were made aware of a Federal study concerning this very issue. The committee would like to wait until the data from this study is available before continuing with this legislation. Vote 12-0.

**HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill would establish a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. When the bill was first introduced, it was geared toward railroads. The prime sponsor said he expected to find other streams of revenue that aren't being utilized. There was concern that the makeup of the task force did not include other forms of transportation, and the reporting date drew some confusion. The bill was amended to include a member of the Department of Resources and Economic Development, Director of Aeronautics from the Department of Transportation, a representative of the trucking industry, besides members of the House and Senate, a financial consultant, the State Treasurer and the Commissioner of the Department of Transportation. The first reporting date was clarified, and the final reporting date was moved to the year 2006, allowing for plenty of time for the task force to find revenue streams. Vote 14-0.

### Amendment (2525h)

Amend the bill by replacing section 1 with the following:

I Task Force Established; Membership. There is established a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

I. The task force shall be composed of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the senate president.

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the division of aeronautics in the department of transportation or designee.

(e) A representative of the trucking industry, nominated by the New Hampshire Motor Transport Association and appointed by the governor.

(f) One financial consultant, appointed by the governor.

(g) The state treasurer, or designee.

(h) The commissioner of the department of transportation, or designee.

II. The task force members may solicit input or recommendations from other individuals, groups, or organizations as necessary.

Amend the bill by replacing all after section 4 with the following:

5 Report. The task force shall issue the first report of its progress and findings to the speaker of the house of representatives, the senate president, and the governor and council, on or before December 1, 2002 and provide a copy of its report to the New Hampshire state library. The task force shall issue the final report of its progress and findings to the speaker of the house of representatives, the senate president, and the governor and council, on or before December 1, 2006 and provide a copy of the final report to the New Hampshire state library. The final report shall conclude the work of the task force.

6 Repeal. Sections 1-5 of this act, relative to the task force to research revenue streams to fund intermodal transportation systems in New Hampshire, are repealed.

7 Effective Date.

I. Section 6 of this act shall take effect December 1, 2006.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. The task force shall dissolve on December 1, 2006.

**HB 1327**, establishing a committee to study the recodification of railroad statutes in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have formed a committee to study the recodification of railroad statutes. This is a monumental task and not a job for three House and Senate members according to a representative from the Department of Transportation. He informed the subcommittee that they are looking at a four-year task at least, and that they would prefer to do the job on their own along with someone from the Attorney General's Office. Therefore, the Transportation committee will agree to let the Bureau of Rail and Transit to commence this task on their own. Vote 12-0.

**HB 1442**, relative to eligibility for special number plates for former prisoners of war. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: During testimony from the prime sponsor it was revealed that if a New Hampshire resident was shot down in Somalia, while on active duty serving the United States Army Rangers, and applied for a Prisoner Of War (POW) number plate, he would not be entitled under current law. This minor change in our statutes would correct this oversight. The committee investigated the standard of proof needed for this plate, and is satisfied that the Commissioner of the Department of Safety has the authority to be certain that only qualified individuals receive this prestigious plate. Vote 12-0.

**HB 710-FN**, relative to liquor licenses and fees. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: Over the past few weeks, the committee received numerous calls and letters from small businesses that would be adversely affected by large increases in some of the fees proposed by this bill. While the committee applauds the extensive work done by the Commerce Committee in developing a streamlined fee system, we felt that the concerns raised need to be addressed. We feel HB 710 has considerable merit, and so chose to put the bill into interim study to address the fee issues, rather than vote the bill inexpedient to legislate. Vote 14-0.

**HB 1414-FN-A-L**, relative to the valuation method in the excavation activity tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The excavation tax was enacted in 1997 as a special methodology for property tax assessment of sand and gravel pits and quarries with two goals: to encourage reclamation of depleted pits, and to facilitate the assessment process for less-trained assessors. It was a double tax, one part on earth removal and another on the area from which the earth came. After revision in 1999, it was challenged in court and the second element, the tax on the excavation area, was declared unconstitutional. There is still dispute as to how to recreate the original balance, but none on the need to correct the statute because, otherwise, the towns will be unable to assess these properties at all. HB 1414, as amended, replaces the excavation activity tax with an assessment according to the industrial activity of excavation, minus the value of the earth; leaves the two cent per cubic yard tax on removed earth intact; and, creates a study committee to resolve the remaining questions of encouragement of reclamation and true value. The amendment replaces the original bill. Vote 14-0.

**Amendment (2613h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to taxation of excavation areas.

Amend the bill by replacing all after the enacting clause with the following:

**I Purpose; Intent.**

I. In 1999, the general court enacted Chapter 301, Laws of 1999, amending RSA 72-B, and clarifying the process of taxation of property containing earth as defined in RSA 155-E:1, and establishing a new method of taxation for the excavation of earth as defined in RSA 155-E:1, and for the area of excavation activity.

II. In November 2001, after upholding the constitutionality of its classification of property, the New Hampshire supreme court ruled that one of said chapter's provisions, RSA 72-B:12, III, was not constitutional because it did not provide for a methodology for assessment of the excavation activity area at its "true value."

III. The general court recognizes that although the remainder of RSA 72-B was left undisturbed by the court's decision: that the methodology of assessment for the area of excavation activity must be revised to meet the court's tests for its assessment methodology; that the cities and towns are now clearly directed regarding the taxation of property containing earth, the excavation tax and the excavation area; that there continues to be an incentive for reclamation of excavated areas to preserve the environment; and that the general court must act in a timely fashion to enable the cities and towns to assess the excavation area in a manner that is clearly constitutional.

2 Chapter Name. Amend the chapter heading of RSA 72-B to read as follows:

**CHAPTER 72-B**

**EXCAVATION TAX [~~AND EXCAVATION ACTIVITY TAX~~]**

3 Excavation Tax; Excavation Area. RSA 72-B:I is repealed and reenacted to read as follows:  
72-B:1 Excavation Tax and Taxation of Excavation Area.

I. Earth, as defined in RSA 155-E:1, I, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13. An excavation tax shall be assessed upon the excavation of earth against an owner as defined in RSA 72-B:2, VIII. Such tax shall be assessed at the rate of \$.02 per cubic yard of earth excavated. The following are exempt from the excavation tax:

(a) Any excavation of earth from a parcel of land that is put back on the parcel, or other parcel that is contiguous and in common ownership, in the construction, reclamation, reconstruction, or alteration of such parcel of land within the same tax year.

(b) Any excavation of earth that is used exclusively for agricultural or forest management by the owner of the land within the state of New Hampshire.

(c) Any excavation upon a parcel of land which does not exceed 1,000 cubic yards within any tax year; however, the owner of such excavation shall be required to file a notice of intent to excavate pursuant to RSA 72-B:8, but such owner shall not be subject to the enforcement fee under RSA 72-B:16 and such parcel shall not be subject to the excavation tax lien under RSA 72-B:7, I.

(d) Any excavation which is solely necessary to construct a foundation, septic disposal system, or which is incidental to other construction projects and does not result in the removal from the parcel of more than 1,000 cubic yards of earth within the tax year.

II. Excavations, as defined in RSA 155-E:1, II, and excavation areas as defined in RSA 155-E:1, VI, shall be taxed as real property pursuant to RSA 72:6 independent of any earth contained therein. The following shall not be considered to be included within the excavation area:

(a) An excavation that has been reclaimed in accordance with RSA 155-E.

(b) An excavation area that is exposed rock ledge not subject to reclamation under RSA 155-E:5, I and III or RSA 155-E:5-a and has not been excavated during the preceding tax year, provided that exposed rock ledge that is the subject of intents or modifications thereof filed pursuant to RSA 72-B:8 during the preceding tax year and exposed rock ledge that is the subject of a permit granted pursuant to the provisions of RSA 155-E shall be included within the excavation area.

(c) An excavation that has ceased commercially useful operation prior to August 24, 1977, as set forth in RSA 155-E:2, II(c).

(d) Areas that are ancillary to the excavation.

III. The owner shall furnish to the assessing officials for the jurisdiction in which the excavation is located such information as the assessing officials may require to determine the area constituting a taxable excavation including, if requested, any material differences between excavation activity and excavation intents filed the previous tax year.

4 Renumbering of Provision of Prior Act; Exemption from Excavation Tax. New subparagraph (j) as inserted into RSA 72-B:1, IV pursuant to the provisions of 2001, 211:1 shall be renumbered as RSA 72-B:1, I(e) in order to conform to the reenactment of that RSA section by section 3 of this act.

5 New Paragraph; Definitions; Excavation Area. Amend RSA 72-B:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Excavation Area" means excavation area as defined in RSA 155-E:1, VI.

6 Section Heading Changed. Amend the section heading of RSA 72-B:4 to read as follows:

72-B:4 Assessment of the Excavation Tax ~~[and the Excavation Activity Tax]~~.

7 Lien. RSA 72-B:7 is repealed and reenacted to read as follows:

72-B:7 Lien. Unless a bond or other security is required pursuant to RSA 72-B:5[

E], excavation tax assessments levied under RSA 72-B:4 shall, on the date the excavating commences, create a lien upon the land on account of which it is made and against the owner of record of such land[

H. Excavation activity tax assessments levied under RSA 72-B:12 shall, on April 1, create a lien upon the land on account of which it is made and against the owner of record of such land.

HH. Liens created under RSA 72-B:7, I and H] *and* shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax ~~[and excavation activity tax]~~ assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

8 Disposition of Tax. Amend RSA 72-B:11 to read as follows:

72-B:11 Disposition of the Excavation Tax ~~[and Excavation Activity Tax]~~.

I. The excavation tax~~[- and the excavation activity tax-]~~ collected in the incorporated towns and cities under RSA 72-B:4 shall be paid by the tax collectors into their respective treasuries for the general use of the city or town.

II. The taxes assessed under RSA 72-B:4 in any unincorporated place shall be collected by the county commissioners of the county in which the place is located and paid by them to the county treasurer. The county commissioners shall have the same powers in collecting the taxes as provided under RSA 80 and RSA 81. All taxes collected by the counties under RSA 72-B:4 shall be credited to the unincorporated place from which the excavation tax ~~[and the excavation activity tax]~~ was collected and shall be used against the unincorporated place's share for the county tax for the ensuing year.

9 Local Regulation Excavation; Excavation Area; Definition. Amend RSA 155-E:1, VI to read as follows:

VI. "Excavation area" means the *surface* area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this chapter.

10 Reference Deleted. Amend RSA 72-B:5, I to read as follows:

I. If an owner does not own land in the town where such owner intends to excavate and has filed an intent to excavate form with respect to any parcel of land, the assessing officials shall, within 30 days of the receipt of that filing, notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation tax to be due from the excavation described in the notice of intent to excavate. The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes~~[- excavation activity taxes-]~~ or property taxes.

11 Study Committee Established.

I. There is hereby established a committee to study all issues affecting the taxation of earth as defined in RSA 155-E:1, I; the taxable value of such materials before and after excavation; and methods of taxation.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

III. The committee also shall solicit input from the department of revenue administration and from the public, as needed.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

12 Repeal. The following are repealed:

I. RSA 72-B:4, II, relative to assessment of the excavation activity tax.

II. RSA 72-B:5, II, relative to bond requirement.

III. RSA 72-B:12, relative to taxation of excavation activity.

IV. RSA 72-B:12-a, relative to excavation activity tax appeal and abatement.

13 Effective Date.

I. Section 10 of this act shall take effect April 1, 2002, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes the method of taxation for an excavation area and repeals provisions relating to the excavation activity tax. The bill also establishes a committee to study the taxation of earth.

### **HB 1451-FN-A, implementing the Mobile Telecommunications Sourcing Act. OUGHT TO PASS WITH AMENDMENT**

Rep. Norman L. Major for Ways and Means: The amended bill provides legislation that will conform the New Hampshire statutes governing taxes on wireless telecommunication services, the Communications Services Tax (CST), to the provision of Public Law 106-252, the federal Mobile Telecommunications Sourcing Act (MTSA). The Department of Revenue Administration requested this bill. Because of the mobile nature of wireless telecommunications, it has become more difficult to determine the State's ability to tax such calls. Furthermore, as customers increasingly select single-rate and fixed-usage plans, it became more complicated for the industry to determine which jurisdiction has the authority to tax the calls. The MTSA solves these problems. It creates the concept that the customer has a "place of primary use", which is the jurisdiction with the right to tax wireless calls, even if the call neither originates nor terminates in that jurisdiction. Thus, the federal law allows states and localities to tax calls that they could not have taxed under the old rules and precludes their ability to tax other calls that they have historically taxed. The Department estimates that this simplification of the law will be revenue neutral. Vote 14-0.

### **Amendment (2596h)**

Amend RSA 82-A:2, XVIII-XXI as inserted by section 4 of the bill by replacing them with the following:

XVIII. "Home service provider" means the facilities-based carrier or reseller with which the taxpayer contracts for the provision of mobile telecommunications services.

XIX. "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio services to the taxpayer.

XX. "Mobile telecommunications service" means commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

XXI. "Place of primary use" means the street address representative of where the taxpayer's use of the mobile telecommunications service primarily occurs, which must be:

(a) Either the residential street address or the primary business street address of the taxpayer; and

(b) Within the licensed service area of the home service provider.

Amend RSA 82-A:4-b, III-V as inserted by section 6 of the bill by replacing it with the following:

III. In order to assign the place of primary use for mobile telecommunications services pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106-252, the commissioner may choose whether to furnish home service providers with a database that matches addresses with taxing jurisdictions or to allow home service providers to employ an enhanced zip code in lieu of providing a database. A home service provider that uses a database furnished by the commissioner or, if no database is provided, an enhanced zip code shall be held harmless from any tax, charge, or fee



liability that otherwise would be due solely as a result of reliance of on such database or enhanced zip code, provided that the provisions of 4 U.S.C. sections 119, 120, and 121 are followed by the home service provider.

IV.(a) A home service provider shall be responsible for obtaining and maintaining the taxpayer's place of primary use.

(b) If the home service provider relies, in good faith, on the information provided by the taxpayer such home service provider shall not be liable for any additional taxes, charges or fees based on a different determination by the department of the place of primary use. The home service provider shall change the place of primary use determined by the department on a prospective basis commencing on the date of notification by the department.

(c) Subject to subparagraph (b), a home service provider may treat the address used by the home service provider for tax purposes for any taxpayer under a service contract or agreement in effect prior to July 28, 2002 as the place of primary use for the remaining term of such service contract, excluding any extension or renewal of such service contract or agreement.

V.(a) Any taxpayer who alleges that an amount of tax, or the assignment of the place of primary use or taxing jurisdiction included in the billing is erroneous shall notify the home service provider in writing of the error. The taxpayer shall include the street address for the taxpayer's place of primary use, the account name and number for which the correction is sought, a description of the alleged error, and any other information requested by the home service provider necessary to process the request.

(b) The home service provider shall conduct a review of its records and the electronic database or enhanced zip code used to determine the place of primary use within 60 days of receiving the notice from the taxpayer. If it is determined that the amount of tax or the assignment of the place or primary use or taxing jurisdiction is in error, the home service provider shall correct the error and refund or credit the amount of tax erroneously collected from the taxpayer for a period of 3 years. If it is determined that the amount of tax or the assignment of the place of primary use or taxing jurisdiction is correct, the home service provider shall provide a written explanation to the taxpayer.

(c) A taxpayer seeking correction of assignment of place of primary use or taxing jurisdiction, or a refund or credit of taxes erroneously collected by the home service provider shall seek to have the error corrected pursuant to these provisions before any cause of action arises as a result of such error.

Amend the bill by replacing sections 7 and 8 with the following:

7 Nonseverability. If a court of competent jurisdiction enters a final judgment on the merits that is based on federal law, is no longer subject to appeal, and substantially limits or impairs the essential elements of sections 116 through 126 of Title 4 U.S.C., then all provisions and applications of this act are declared invalid and shall have no legal effect as of the date of entry of such judgment.

8 Applicability. The provisions of this act shall apply to taxpayer invoices issued by home service providers after August 1, 2002.

## REGULAR CALENDAR

**HB 1363-FN-L**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Maxwell D. Sargent for the Majority of Criminal Justice and Public Safety: This bill would require the state to reimburse each county for every inmate sentenced to and incarcerated in a county jail for a misdemeanor offense. The rationale was that the state creates the offense and legislates the sentence, and thus may be incurring costs on the county – a 28-a issue. Although many members on the committee sympathized with that belief, the majority agreed that the transition and resulting record keeping would be a costly and monumental task. Superintendents from 5 different county jails indicated no interest in this bill. The representative for the Association of Counties also expressed no interest and none of those attended the second subcommittee meeting. Vote 9-5. Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: This is an important bill that asks a serious question: what is the financial obligation of the state when passing laws which cause additional costs to cities, towns, and counties? This issue of unfunded mandates has been discussed before; this legislation allows us to consider it again. The state has an obligation to the counties in this matter.

Reps. Splaine, Cloutier and Burling spoke against.  
 Reps. William Kelley and Sargent spoke in favor.  
 Rep. Cloutier requested a roll call; sufficiently seconded.  
 The question being adoption of the majority report.

## YEAS 166 NAYS 179

### YEAS 166

#### BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

#### CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Meador, David
Roberts, William	Smith, Edwin		

#### COOS

Horton, Lynn	Pratt, Leighton	Stohl, Eric	Tholl, John Jr
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#### GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Clegg, Robert Jr
Coughlin, Pamela	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Ford, Nancy	Gargas, Carolyn	Gleneck, David
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Kurk, Neal	LaRose, Richard	Leach, Edward
Lessard, Rudy	Martel, Andre	Mercer, Robert	Messier, Irene
Moran, Edward	Murphy, Robert	O'Connell, Timothy	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Thompson, Rob	Thulander, O Alan	

#### MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
L'Heureux, Stephen	MacKay, James	Soltani, Tony	Swindlehurst, John
Whalley, Michael			

#### ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffery	Gilbert, Karl	Giordano, Ronald

Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Moore, Benjamin  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas

Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Quandt, Marshall  
Sloan, Stephen  
Welch, David

Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Hill, Jonathan  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Stritch, C Donald

## STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Berube, Roger  
Knowles, William  
Woods, Phyllis

Brown, Julie  
Musler, George

Cossette, Larry  
Tsiros, William

## SULLIVAN

None

## NAYS 179

## BELKNAP

Dewhirst, Glenn  
Wood, Jane

Johnson, William

Pilliod, James

Salatiello, Thomas

## CARROLL

Dickinson, Howard

Quimby, Lee

Sullivan, P Judith

## CHESHIRE

Allen, Peter  
Espiefs, Peter  
Pratt, John  
Zerba, Roger

Avery, Stephen  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Pratt, Irene  
Weed, Charles

## COOS

Bradley, Paula  
Woodward, David

Gallus, John

Guay, Lawrence

Landers, Dana

## GRAFTON

Almy, Susan  
Gabler, William  
Nordgren, Sharon  
Solow, Martha

Barker, Robert  
Ham, Bonnie  
Pawlek, Marion

Benn, Bernard  
Lovett, Sid  
Scovner, Nancy

Cooney, Mary  
Naro, Debra  
Sokol, Hilda

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Eaton, Richard  
Goley, Jeffrey  
Holden, Randolph  
Konys, Christine  
Lynde, Harold  
Melcher, Harold  
Pepino, Leo  
Spiess, Paul  
Vaillancourt, Steve

Baroody, Benjamin  
Cardin, Lori  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
L'Heureux, Robert  
Martin, Mary Ellen  
Milligan, Robert  
Salts, Greg  
Sullivan, Peter  
White, Donald

Bellavance, Paul  
Chabot, Robert  
Cote, David  
Desrosiers, William  
Drisko, Richard  
Furman, Christine  
Haley, Robert  
Johnson, Lionel  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Bergin, Peter  
Christiansen, Lars  
Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McHugh, Claire  
Panagopoulos, Nicholas  
Shaw, Barbara  
Tate, Joan

## MERRIMACK

Bouchard, Candace  
Colcord, J D

Brewster, Richard  
Crosby, Toni

Burney, Carol  
Daneault, Gabriel

Clarke, Claire  
Davis, Frank

French, Barbara  
Kennedy, Richard  
Moore, Carol  
Rush, Deanna  
Yeaton, Charles

Gile, Mary  
Langer, Ray  
Owen, Derek  
Seldin, Gloria

Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Jacobson, Alf  
Maxfield, Roy  
Reardon, Tara  
Winter, Steven

### ROCKINGHAM

Blanchard, MaryAnn  
Cox, Russell  
Johnson, Robert  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Bowles, Raimond  
Dearborn, Bruce  
Kane, Cecelia  
Micklon, Stephanie  
Power, Lucille  
Splaine, James  
Zolla, William

Chalbeck, Kevin  
Downing, Michael  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Clark, Martha Fuller  
Gleason, John  
Langone, John  
O'Neil, Michael  
Sapareto, Frank  
Weatherspoon, Jacquelyne

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

DeChane, Marlene  
Gilmore, Gary  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Proulx, Raymond  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

and the majority report failed.

Rep. Burling moved Ought to Pass.

Rep. Thompson requested a roll call; sufficiently seconded.

The question being adoption of the motion Ought to Pass.

## YEAS 188 NAYS 158

### YEAS 188

#### BELKNAP

Dewhirst, Glenn  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Pilliod, James

Rosen, Ralph

#### CARROLL

Dickinson, Howard

Quimby, Lee

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Emerson, Susan  
Pratt, Irene  
Weed, Charles

Avery, Stephen  
Espieffs, Peter  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

### COOS

Bradley, Paula  
Woodward, David

Gallus, John

Guay, Lawrence

Landers, Dana

### GRAFTON

Almy, Susan  
Gabler, William  
Nordgren, Sharon  
Solow, Martha

Barker, Robert  
Ham, Bonnie  
Pawlek, Marion  
Williams, Burton

Benn, Bernard  
Lovett, Sid  
Scovner, Nancy

Cooney, Mary  
Naro, Debra  
Sokol, Hilda

### HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond

Baroody, Benjamin  
Cardin, Lori

Bellavance, Paul  
Chabot, Robert

Bergin, Peter  
Clayton, William

Clemons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Foster, Linda  
Goley, Jeffrey  
Holden, Randolph  
Konys, Christine  
Leishman, Peter  
McHugh, Claire  
Panagopoulos, Nicholas  
Spiess, Paul  
Vaillancourt, Steve

Cote, David  
Desrosiers, William  
Drisko, Richard  
Furman, Christine  
Gorman, Mary  
Jean, Claudette  
L'Heureux, Robert  
Lynde, Harold  
Melcher, Harold  
Pepino, Leo  
Sullivan, Peter  
White, Donald

Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Gargas, Carolyn  
Haley, Robert  
Johnson, Lionel  
Leach, Edward  
Martin, Mary Ellen  
Milligan, Robert  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Craig, James  
Dokmo, Cynthia  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Movsesian, Lori  
Shaw, Barbara  
Tate, Joan

### MERRIMACK

Bouchard, Candace  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Langer, Ray  
Owen, Derek  
Seldin, Gloria

Brewster, Richard  
Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Burney, Carol  
Cummings, Raymond  
Fraser, Leo Jr  
Jacobson, Alf  
Maxfield, Roy  
Reardon, Tara  
Winter, Steven

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Kennedy, Richard  
Moore, Carol  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Clark, Martha Fuller  
Downing, Michael  
Kane, Cecelia  
Micklon, Stephanie  
Power, Lucille  
Splaine, James  
Zolla, William

Bowles, Raimond  
Corbin, Corey  
Gleason, John  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Boynton, James  
Cox, Russell  
Itse, Daniel  
Langone, John  
O'Neil, Michael  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Chalbeck, Kevin  
Dearborn, Bruce  
Johnson, Robert  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

DeChane, Marlene  
Gilmore, Gary  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Proulx, Raymond  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

### NAYS 158

### BELKNAP

Boyce, Laurie  
Millham, Alida  
Thomas, John

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Holbrook, Robert  
Rice, Thomas Jr

Lawton, David  
Russell, David

### CARROLL

Babson, David Jr  
Patten, Betsey

Bradley, Jeb  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

Mock, Henry

### CHESHIRE

Dexter, Judson  
Liebl, George  
Smith, Edwin

Edwards, Dana  
Manning, Joseph

Fairbanks, Chandler  
Meador, David

Hunt, John  
Roberts, William

**COOS**

Horton, Lynn	Pratt, Leighton	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy	Gleneck, David
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Martel, Andre	Mercer, Robert	Messier, Irene	Moran, Edward
Murphy, Robert	O'Connell, Timothy	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Thompson, Rob	Thulander, O Alan	

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Hager, Elizabeth	Hess, David
Hutchinson, John	L'Heureux, Stephen	MacKay, James	Soltani, Tony
Swindlehurst, John	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Case, Margaret	Clark, Vivian	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Ruffner, Walter	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Albert, Russell	Berube, Roger	Brown, Julie	Cossette, Larry
Harrington, Michael	Knowles, William	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

**SULLIVAN**

None

and the motion of Ought to Pass was adopted.

Referred to Finance.

**SENATE MESSAGE****CONCURRENCE****HB 1411-FN-A**, making an appropriation to the judicial branch for district and probate court security.**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1411.

Rep. Nowe, Sen. D'Allesandro for the Committee

**REGULAR CALENDAR (CONT'D.)**

**HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan E. Hill for the Majority Criminal Justice and Public Safety: Following the events of September 11, 2001, as state and local public safety and emergency management personnel were gathering information to assess potential safety and security risks in order to protect the citizens of the state of New Hampshire, it became apparent that this information would be subject, in many instances, to release pursuant to the state's right to know law, RSA 91-A. The majority of the committee fully believes that openness in the conduct of the public business is the bedrock of our democratic society. We acknowledge that RSA 91-A is an important part of that openness and approached this bill with a resolve to make sure that any exemptions to RSA 91-A were narrow and limited to issues affecting the ability to protect New Hampshire's citizens from deliberate acts of violence. A diverse range of interested parties worked with the committee and contributed to the drafting of the amendment. It included representatives from the Governor's office, the Attorney General, the New Hampshire Civil Liberties Union (NHCLU), the Municipal Association, the House Counsel and the Office of Emergency Management. The majority believes that the result of this collaboration is a bill that balances the protection of the safety and security of New Hampshire citizens with maintaining an open and accessible government. The language drafted is clear in stating that the exemptions are limited and that the General Court does not intend to exempt from release under RSA 91-A information relative to the routine or daily operations of state and local public safety or emergency management departments, including information regarding budgeting, planning, and staffing that would otherwise be properly subject to disclosure. The second part of the bill addresses the need to put into law a serious penalty for perpetrating false alarms, threats or the actual release of biological or chemical substances. In the months following September 11, 2001 our emergency services and state lab facilities were stretched to the breaking point by scores of false reports and hoax substances arriving in the mail or left in public places. Such activities present a serious drain on emergency resources and create substantial public fear and uncertainty. This portion of the bill would allow these offenses to be treated as the serious offenses that they are. Vote 11-3.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: The New Hampshire right-to-know law is an important set of statutes that protects the openness of our government and preserves our state's unique brand of democracy. By adding a somewhat broad "exception" to the right-to-know law allowing more secrecy and discussion of matters of interest to citizens of state and local government behind closed doors further removes our government from the governed. This bill, even as amended, can allow too many public matters to be secret to the detriment of the public interest. Current law allows for enough secrecy and confidentiality for our public safety to be guarded.

**Majority Amendment (2606h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. Following the events of September 11, 2001, as state and local public safety and emergency management personnel were gathering information to assess potential safety and security risks in order to protect the citizens of the state of New Hampshire, it became apparent that this information would be subject, in many instances, to release pursuant to the state's right to know law, RSA 91-A. The general court fully supports the concept that openness in the conduct of public business is essential to a democratic society and that RSA 91-A was enacted to ensure both the greatest possible public access to the actions, discussions, and records of all public bodies, and their accountability to the people. The general court finds, however, that certain information should not be subject to disclosure in order to protect the safety and security of New Hampshire citizens and their property against threats or deliberate acts of violence which could result in widespread or severe damage to property or widespread injury or loss of life. The general court therefore adopts this act which exempts certain information gathered in order to determine security risks and to implement measures necessary to protect against those risks, with the intent that this exemption is to be interpreted narrowly and only for the purpose of protecting against widespread damage to property, injury, or loss of life. The general court does not intend to exempt from release under RSA 91-A information relative to the routine or daily operations of state and local public safety or emergency management departments, including information regarding budgeting, planning, and staffing which would otherwise be properly subject to disclosure.

2 New Subparagraph; Matters Relating to State or Local Government Security Added. Amend RSA 91-A:3, II by inserting after subparagraph (h) the following new subparagraph:

(i) Consideration of matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.

3 Nonpublic Sessions; Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself, or render the proposed action ineffective, *or pertain to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.* In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 New Paragraph; Records Pertaining To Matters of State or Local Government Security Exempted. Amend RSA 91-A:5 by inserting after paragraph V the following new paragraph:

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.

5 New Section; Limited Purpose Release. Amend RSA 91-A by inserting after section 5 the following new section:

91-A:5-a Limited Purpose Release. Records from non-public sessions under RSA 91-A:3, II(i) or that are exempt under RSA 91-A:5, VI may be released to local or state safety officials. Records released under this section shall be marked "limited purpose release" and shall not be redisclosed by the recipient.

6 Biological or Chemical Threats. Amend RSA 106-H:13 to read as follows:

106-H:13 Penalty for False Information.

**I.** Any person who dials or otherwise causes 911 to be called for the purpose of making a false alarm or complaint or purposely reports false information which could result in the dispatch of emergency services shall be guilty of a misdemeanor.

**II.** *Any person who dials and otherwise causes 911 to be called and purposely reports false information concerning the existence of a biological or chemical substance which could result in the dispatch of emergency services shall be guilty of a class B felony.*

7 Criminal Threatening; Biological or Chemical Threats. Amend RSA 631:4, I to read as follows:

**I.** A person is guilty of criminal threatening when:

(a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

(b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or

(c) The person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or

(d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person; or

(e) The person threatens to commit any crime of violence, *or threatens the delivery or use of biological or chemical substance*, with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; *or*

(f) *The person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.*

8 False Reports of Biological or Chemical Substances. Amend RSA 644:3 to read as follows:

644:3 False Public Alarms.



*I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor[. This section shall not apply to false alarms subject to RSA 644:3-a, RSA 644:3-b, or false reports under RSA 158:38], except if the report concerns the presence of a biological or chemical substance, the offense shall constitute a class B felony.*

*II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.*

*III. Any person who knowingly delivers, or causes the delivery of any substance the actor knows could reasonably be perceived as a biological or chemical substance, with reckless disregard for the risk that emergency services will be dispatched as a result of such delivery, shall be guilty of a class B felony.*

*IV. This section shall not apply to false alarms subject to RSA 644:3-a or RSA 644:3-b, or false reports under RSA 158:38.*

9 New Section; Exposing the Public to Toxic Biological or Chemical Substances. Amend RSA 644 by inserting after section 2 the following new section:

644:2-a Exposing the Public to Toxic Biological or Chemical Substances. Any person who knowingly delivers or causes the delivery of a biological or chemical substance to a governmental facility, school, business, hospital, office building, or similar facility open to the public, with the purpose of causing bodily injury or evacuation of such facility, shall be guilty of a class A felony.

10 Effective Date. This act shall take effect January 1, 2003.

Rep. Kennedy spoke against.

Reps. Splaine, Mirski and Soltani spoke against and yielded to questions.

Reps. Hill and Clegg spoke in favor and yielded to questions.

Rep. Alger requested the amendment be divided and that Sections 1 through 5 be voted upon separately.

The Speaker ruled the amendment was divisible and, without objection, so ordered.

Rep. Clegg requested a roll call; sufficiently seconded.

The question now being the adoption of Sections 1, 2, 3, 4, and 5 of the majority amendment.

## YEAS 191 NAYS 164

### YEAS 191

#### BELKNAP

Czech, Stanley	Holbrook, Robert	Johnson, William	Lawton, David
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John

#### CARROLL

Bradley, Jeb	Dickinson, Howard	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Espiefs, Peter	Hunt, John	Liebl, George	Manning, Joseph
Pratt, Irene	Roberts, William	Smith, Edwin	

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Pratt, Leighton	Stohl, Eric	Tholl, John Jr	Woodward, David

#### GRAFTON

Benn, Bernard	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Ward, Brien
Williams, Burton			

#### HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Baroody, Benjamin	Batula, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr

Carlson, Donald  
Clegg, Robert Jr  
Craig, James  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Greenberg, Gary  
Holden, Randolph  
Kacavas, John  
LaRose, Richard  
Mercer, Robert  
Movsesian, Lori  
Rowe, Robert  
Wheeler, Robert

Chabot, Robert  
Clemons, Jane  
Desrosiers, William  
Elliott, Larry  
Foster, Linda  
Golding, William  
Guinta, Frank  
Jean, Claudette  
Keye, Harvey  
Lessard, Rudy  
Messier, Irene  
Panagopoulos, Nicholas  
Sargent, Maxwell

Christensen, D L Chris  
Cote, David  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Goley, Jeffrey  
Hall, Charles  
Jean, Loren  
Konys, Christine  
McDonough-Wallace, Alice  
Milligan, Robert  
Peterson, Andrew  
Seibel, Christopher

Clayton, William  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Gargasz, Carolyn  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Rush, Deanna

Cummings, Raymond  
Hess, David  
Lockwood, Priscilla  
Swindlehurst, John

Dunne, Christopher  
Hutchinson, John  
Maxfield, Roy  
Whalley, Michael

Feuerstein, Martin  
Jacobson, Alf  
Reardon, Tara  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Cooney, Richard  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Putnam, Ed II  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Clark, Martha Fuller  
Corbin, Corey  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Stone, Joseph  
Whittier, John

Bowles, Raimond  
Carson, Sharon  
Clark, Vivian  
Cox, Russell  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Morse, Charles  
Pantelakos, Laura  
Rausch, James  
Stritch, C Donald

Boynton, James  
Case, Margaret  
Coes, Betsy  
Dalrymple, Janeen  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Nowe, Ronald  
Power, Lucille  
Ruffner, Walter  
Varrell, Thomas

### STRAFFORD

Brown, Julie  
Grassie, Anne  
Musler, George

Cossette, Larry  
Heon, Richard  
Reid, Christopher

Dunlap, Patricia  
Johnson, Nancy  
Twombly, James

Estabrook, Iris  
Knowles, William  
Wall, Janet

### SULLIVAN

Burling, Peter  
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

Leone, Richard

### NAYS 164

### BELKNAP

Boyce, Laurie  
Rosen, Ralph

Dewhirst, Glenn  
Salatiello, Thomas

Millham, Alida  
Wendelboe, Fran

Rice, Thomas Jr  
Wood, Jane

### CARROLL

Babson, David Jr

Kenney, Joseph

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Meader, David  
Slack, Pamela Russell

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Fairbanks, Chandler  
Pratt, John  
Zerba, Roger

**COOS**

Guay, Lawrence

Landers, Dana

**GRAFTON**

Akins, Ralph  
Cobb, John  
Ham, Bonnie  
Pawlek, Marion  
Sova, Charles

Alger, John  
Cooney, Mary  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Gabler, William  
Mirski, Paul  
Sokol, Hilda

Barker, Robert  
Giuda, Robert  
Naro, Debra  
Solow, Martha

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Jean-Guy  
Cardin, Lori  
Dokmo, Cynthia  
Gleneck, David  
Hall, Betty  
Lefebvre, Roland  
Martin, Mary Ellen  
Pepino, Leo  
Souza, Kathleen  
Tate, Joan  
White, John

Andosca, Mary  
Bergin, Peter  
Christiansen, Lars  
Drabinowicz, A Theresa  
Gorman, Mary  
Hopper, Gary  
Leishman, Peter  
Melcher, Harold  
Salts, Greg  
Spiess, Paul  
Thompson, Rob

Balboni, Michael  
Bragdon, Peter  
Cote, Peter  
Dwyer, Paul  
Graham, John  
L'Heureux, Robert  
Lynde, Harold  
Murphy, Robert  
Schulze, Joan  
Sullivan, Peter  
Vaillancourt, Steve

Bellavance, Paul  
Buckley, Raymond  
Daigle, Robert  
Eaton, Richard  
Haley, Robert  
Leach, Edward  
Martel, Andre  
O'Connell, Timothy  
Shaw, Barbara  
Sweeney, Cynthia  
White, Donald

**MERRIMACK**

Bouchard, Candace  
Colcord, J D  
French, Barbara  
Kennedy, Richard  
Owen, Derek  
Wallner, Mary Jane

Brewster, Richard  
Crosby, Toni  
Gile, Mary  
Langer, Ray  
Potter, Frances  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
Greco, Vincent  
MacKay, James  
Seldin, Gloria

Clarke, Claire  
Davis, Frank  
Hager, Elizabeth  
Moore, Carol  
Soltani, Tony

**ROCKINGHAM**

Blanchard, MaryAnn  
Dumaine, Dudley  
Hutchinson, Karen  
Micklon, Stephanie  
Quandt, Matthew  
Sloan, Stephen  
Weyler, Kenneth

Dearborn, Bruce  
Francoeur, Sheila  
Itse, Daniel  
Moore, Benjamin  
Reardon, Neil  
Splaine, James  
Zolla, William

DiFruscia, Anthony  
Gleason, John  
Kane, Cecelia  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Downing, Michael  
Holland, James Jr  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

**STRAFFORD**

Albert, Russell  
DeChane, Marlene  
Harrington, Michael  
Pelletier, Arthur  
Snyder, Clair  
Woods, Phyllis

Berube, Roger  
Ferland, Paul  
Hughes, Christopher  
Pelletier, Marsha  
Spang, Judith

Bickford, David  
Gilmore, Gary  
Kaen, Naida  
Proulx, Raymond  
Tsiros, William

Brennan, William  
Goodwin, Earle  
McCarthy, Gerald  
Rollo, Michael  
Woodill, Rodney

**SULLIVAN**

Allison, David  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Odell, Bob

Franklin, Peter  
Phinizy, James

and Sections 1 through 5 of the majority amendment were adopted.

Adopted Sections 6 through 9 of the majority amendment.

Adopted Section 10 of the majority amendment.

Rep. Pitts requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 208 NAYS 147****YEAS 208  
BELKNAP**

Czech, Stanley  
Nedeau, Stephen  
Wood, Jane

Holbrook, Robert  
Pilliod, James

Johnson, William  
Russell, David

Lawton, David  
Thomas, John

**CARROLL**

Babson, David Jr  
Philbrick, Donald

Bradley, Jeb  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Espiefs, Peter  
Pratt, Irene

Dexter, Judson  
Hunt, John  
Roberts, William

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

**COOS**

Bradley, Paula  
Horton, Lynn  
Woodward, David

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

**GRAFTON**

Benn, Bernard  
Marshall, Gene  
Williams, Burton

Dudley, Terri  
Nordgren, Sharon

Eaton, Stephanie  
Scanlan, David

Gilman, G Michael  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Baroody, Benjamin  
Bruno, Pierre  
Christensen, D L Chris  
Cote, David  
Dionne, Kimberley  
Elliott, Larry  
Foster, Linda  
Golding, William  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Seibel, Christopher

Alukonis, David  
Batula, Peter  
Calawa, Leon Jr  
Clayton, William  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Furman, Christine  
Goley, Jeffrey  
Hall, Charles  
Johnson, Lionel  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Movsesian, Lori  
Reeves, Sandra  
Sullivan, Peter

Andosca, Mary  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Craig, James  
Drisko, Richard  
Fields, Dennis  
Gargasz, Carolyn  
Goulet, Maurice  
Herman, Keith  
Kacavas, John  
L'Heureux, Robert  
Martel, Andre  
Messier, Irene  
Panagopoulos, Nicholas  
Rowe, Robert  
Thulander, O Alan

Artz, Lawrence  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Desrosiers, William  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Greenberg, Gary  
Holden, Randolph  
Keye, Harvey  
LaRose, Richard  
McDonough-Wallace, Alice  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hess, David  
Maxfield, Roy  
Whalley, Michael

Clarke, Claire  
Feuerstein, Martin  
Jacobson, Alf  
Reardon, Tara  
Winter, Steven

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen  
Rush, Deanna

Cummings, Raymond  
Hager, Elizabeth  
Lockwood, Priscilla  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Boynnton, James  
Chalbeck, Kevin

Belanger, Ronald  
Bridle, Russell  
Clark, Martha Fuller

Blanchard, MaryAnn  
Carson, Sharon  
Clark, Vivian

Bowles, Raimond  
Case, Margaret  
Coes, Betsy

Cooney, Richard  
Dearborn, Bruce  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
O'Neil, Michael  
Quandt, Marshall  
Sloan, Stephen  
Welch, David

Corbin, Corey  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Stone, Joseph  
Whittier, John

Cox, Russell  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Pantelakos, Laura  
Ruffner, Walter  
Stritch, C Donald

Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

### STRAFFORD

Brown, Julie  
Grassie, Anne  
Musler, George  
Wall, Janet

Cossette, Larry  
Heon, Richard  
Reid, Christopher

Dunlap, Patricia  
Johnson, Nancy  
Rollo, Michael

Estabrook, Iris  
Knowles, William  
Twombly, James

### SULLIVAN

Burling, Peter  
Leone, Richard

Cloutier, John  
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

### NAYS 147

#### BELKNAP

Boyce, Laurie  
Rosen, Ralph

Dewhirst, Glenn  
Salatiello, Thomas

Millham, Alida  
Wendelboe, Fran

Rice, Thomas Jr

### CARROLL

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Meader, David  
Slack, Pamela Russell

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Fairbanks, Chandler  
Pratt, John  
Zerba, Roger

### COOS

Landers, Dana

### GRAFTON

Akins, Ralph  
Cobb, John  
Ham, Bonnie  
Pawlek, Marion  
Sova, Charles

Alger, John  
Cooney, Mary  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Gabler, William  
Mirski, Paul  
Sokol, Hilda

Barker, Robert  
Giuda, Robert  
Naro, Debra  
Solow, Martha

### HILLSBOROUGH

Balboni, Michael  
Bragdon, Peter  
Cote, Peter  
Eaton, Richard  
Haley, Robert  
Leach, Edward  
Melcher, Harold  
Schulze, Joan  
Sweeney, Cynthia  
White, Donald

Bellavance, Paul  
Buckley, Raymond  
Daigle, Robert  
Gleneck, David  
Hall, Betty  
Leishman, Peter  
Murphy, Robert  
Shaw, Barbara  
Tate, Joan  
White, John

Bergeron, Jean-Guy  
Cardin, Lori  
Dokmo, Cynthia  
Gorman, Mary  
Hopper, Gary  
Lynde, Harold  
O'Connell, Timothy  
Souza, Kathleen  
Thompson, Rob

Bergin, Peter  
Christiansen, Lars  
Dwyer, Paul  
Graham, John  
Jean, Loren  
Martin, Gary Ellen  
Salts, Greg  
Spiess, Paul  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Hutchinson, John	Kennedy, Richard	Langer, Ray
Mackay, James	Moore, Carol	Owen, Derek	Potter, Frances
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Camm, Kevin	DiFruscia, Anthony	Dumaine, Dudley	Gleason, John
Holland, James Jr	Hutchinson, Karen	Itse, Daniel	Kane, Cecelia
Micklon, Stephanie	Moore, Benjamin	Norelli, Terie	Pitts, Jacqueline
Power, Lucille	Quandt, Matthew	Reardon, Neil	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
DeChane, Marlene	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Harrington, Michael	Hughes, Christopher	Kaen, Naida	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Snyder, Clair
Spang, Judith	Tsiros, William	Woodill, Rodney	Woods, Phyllis

**SULLIVAN**

Allison, David	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Odell, Bob	Phinizy, James	

and the majority report was adopted.  
Ordered to third reading.

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William V. Knowles for the Majority of Criminal Justice and Public Safety: This bill allows information on the registration of sex offenders whose victims are under the age of 13 and offenders against children under the age of 18 as outlined under 651-8:1, V, to be provided to law enforcement agencies through the use of electronic mail or other electronic formats and provides that registration information may be made available to the public through the Dept. of Safety's official internet web site. The bill also authorizes local law enforcement agencies to photograph individuals registered as sex offenders or offenders against children and to use such photographs in the performance of any valid law enforcement function. Vote 10-2.

Rep. Maxwell D. Sargent for the Minority of Criminal Justice and Public Safety: The minority of the committee opposed passage of this bill for several reasons: making publicly available on the internet the names, addresses and photographs of convicted sex offenders who have served their sentence, also punished the children, parents, siblings and friends of that person on the list. Setting families of offenders up for derision, further victimization and targets for harassment and possibilities of violence. The list also provides no differentiation between a person who may be at high risk of re-offending and one who may be at little or no risk of re-offending. Courts in some states have struck down their sex offender list because of this lack of assessing the likelihood of re-offending. Also, as the majority of pedophiles offend against a family member or someone well known to the offender, this public list does little to serve the interest of the public safety. In fact it may give a false sense of security.

**Majority Amendment (2595h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Registration of Criminal Offenders; Availability of Information to the Public; Photographs by Local Law Enforcement Agencies Authorized. Amend RSA 651-B:7, IV to read as follows:

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, *through electronic, computerized, or other accessible*

*means*, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the local law enforcement agency *and may be made available by the department to interested members of the public through the use of the department's official public Internet access site*. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

*(b) Local law enforcement agencies may photograph any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function, distributed to any interested individual upon request, and posted on the local law enforcement agency's official public Internet access site.*

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows information on the registration of certain sexual offenders to be provided to law enforcement agencies through the use of electronic mail or other electronic formats and provides that registration information would be made available to the public through the department of safety's official Internet website. The bill also authorizes local law enforcement agencies to photograph individuals registered as sex offenders and to use such photographs in the performance of any valid law enforcement function.

### MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders, be laid on the table.

On a division vote, 137 members having voted in the affirmative and 208 in the negative, the motion failed.

The question now being the adoption of the majority amendment.

Rep. Knowles yielded to questions.

Adopted.

Majority report adopted and ordered to third reading.

### REGULAR CALENDAR (CONT'D.)

**HB 1191**, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce L. Dearborn for the Majority of Education: HB 1191 opportunities for expansion of teacher certification is being studied by a subcommittee on HB 1260 which covers this subject. The question of a study committee for the election of State Board of Education members was moved during the executive session and defeated by the majority who felt that campaigning costs would eliminate good candidates and that the Governor recommends and the Governors' Council approves the appointees. Presently, members of the state school board come from both parties and have excellent credentials. Vote 10-6.

Rep. John R. M. Alger for the Minority of Education: An amendment to the bill was introduced to require election of the members of the State Board of Education as a means to enhance public involvement and interest in public education and the purpose and activities of the State Board of Education. The rationale for the amendment was also to recognize that with the state raising about one billion dollars annually for public education; and, with the State Board under RSA 186:5 having the powers over public schools the same as the directors of a business corporation, that the people should have a direct say by vote as to the "directors" of our public education hierarchy. The amendment, and a very similar alternative amendment, were defeated on tie votes and so the full House deserves to hear debate and vote on ought to pass with amendment.

Reps. Alger and Sova spoke against.

Reps. Claire Clarke and Dearborn spoke in favor.

On a division vote, 260 members having voted in the affirmative and 87 in the negative, the majority report was adopted.

**HB 1328**, establishing a committee to define "instructional hour" and "instructional time" for the purposes of primary and secondary education. **OUGHT TO PASS WITH AMENDMENT**

Rep. P. Judith Sullivan for Education: Throughout the Department of Education's rules, including the "minimum standards" for public schools, there are references to "instructional time." Even so, there is no definition of this key term. This bill, as amended, simply defines "instructional time" to make clear that it includes time spent learning but not time spent at lunch, in the halls between classes, on the bus, etc. Vote 10-5.

#### Amendment (2094h)

Amend the title of the bill by replacing it with the following:

AN ACT defining instructional time in public elementary and secondary schools.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section: Instruction of Pupils; Definition of Instructional Time. Amend RSA 189 by inserting after section 1-e the following new section:

189:1-f Instructional Time. In the elementary and secondary schools of this state, instructional time shall mean the time spent in the instruction of pupils in each of the program areas established in rules adopted by the department of education. Instructional time shall not include any time spent in lunch, recess, class break time, passing time, homeroom period, transportation, or detention.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill sets forth a definition of instructional time in the public elementary and secondary schools.

Adopted.

Report adopted and ordered to third reading.

**HB 1345**, relative to sex education instruction in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: This bill would have substantially limited organizations which provide sex education materials and lectures in public schools. The majority of the committee felt that these decisions are best left up to the communities and local school boards. The principle of applying community standards to matters of this nature is well established and has proven effective. School boards may control how their sex education curriculum is taught and may provide parents with the right to "opt out" their children if they so desire. Vote 9-5.

Rep. Souza spoke against.

Rep. Henderson spoke in favor.

Adopted.

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The committee unanimously shares the sense of pride and patriotism expressed by those who testified on this legislation. But while the intent of the sponsors is clear, its practical impact is not. Some members were concerned that the bill, having no penalties for non-compliance, would have no binding effect. Other members were concerned that, if school districts were sued for non-compliance, court-imposed penalties could include fines or worse. Even schools which comply may face legal costs if they are sued on a constitutional challenge to the mandate that all children must stand for the pledge. Some members were concerned that the bill amends existing statute that essentially codifies the Lord's Prayer and leaves it on the books as the prayer of "our pilgrim fathers" although New Hampshire is a state of many religious faiths. Many members believed that it is inconsistent to force children to honor freedom. The sense of the committee was that patriotism is best expressed freely from the heart, not mandated by government. Vote 13-2.

Rep. Henderson moved Recommit to committee and spoke in favor.

Rep. Sapareto spoke in favor.

Adopted and recommitted to the Education committee.



**HB 380**, apportioning county commissioner districts. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Steve Vaillancourt for Election Law: This bill is for the redistricting of county commissioner boundaries in the nine counties, which have such districts (Strafford County stands alone in electing its three commissioners at large). With one exception, the Election Law Committee accepted the recommendation of the special House redistricting panel. The exception, as noted in the amendment, is for Rockingham County. The Election Law Committee decided that the plan submitted by the three county commissioners results in a much smaller deviation between the three districts and was therefore more in keeping with the "one man, one vote" concept. Vote 19-0.

#### **Amendment (2371h)**

Amend the bill by replacing all after the enacting clause with the following:

I. County Commissioner Districts. RSA 662:4 is repealed and reenacted to read as follows:

662:4 County Commissioner Districts. Except for Strafford county where 3 county commissioners shall be elected at large, for the purposes of choosing county commissioners, the counties shall be divided into districts as follows:

I. Belknap: District 1, the city of Laconia and the town of Sanbornton; District 2, the towns of Barnstead, Belmont, Gilmanton, and Tilton; District 3, the towns of Alton, Center Harbor, Gilford, Meredith, and New Hampton.

II. Carroll: District 1, the unincorporated place of Hale's Location and the towns of Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson, and Madison; District 2, the towns of Albany, Freedom, Moultonborough, Ossipee, Sandwich, and Tamworth; District 3, the towns of Brookfield, Effingham, Tuftonboro, Wakefield, and Wolfeboro.

III. Cheshire: District 1, the towns of Chesterfield, Hinsdale, Surry, Swanzey, Walpole, Westmoreland, and Winchester; District 2, the town of Marlborough and the city of Keene; District 3, the towns of Alstead, Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlow, Nelson, Richmond, Rindge, Roxbury, Stoddard, Sullivan, and Troy.

IV. Coos: District 1, the unincorporated place of Success, the town of Shelburne, and the city of Berlin; District 2, the unincorporated places of Bean's Grant, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Green's Grant, Kilkenny, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Sargent's Purchase, and Thompson and Meserve's Purchase and the towns of Carroll, Dalton, Gorham, Jefferson, Lancaster, Randolph, and Whitefield; District 3, the unincorporated places of Atkinson and Gilmanton Academy Grant, Cambridge, Dix's Grant, Dixville, Erving's Location, Odell, and Second College Grant and the towns of Clarksville, Colebrook, Columbia, Dummer, Errol, Milan, Millsfield, Northumberland, Pittsburg, Stark, Stewartstown, Stratford, and Wentworth's Location.

V. Grafton: District 1, the towns of Enfield, Hanover, and Lebanon; District 2, the unincorporated place of Livermore and the towns of Bath, Benton, Bethlehem, Easton, Franconia, Haverhill, Landaff, Lincoln, Lisbon, Littleton, Lyman, Lyme, Monroe, Orford, Piermont, Sugar Hill, Warren, Wentworth, and Woodstock; District 3, the towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Canaan, Dorchester, Ellsworth, Grafton, Groton, Hebron, Holderness, Orange, Plymouth, Rumney, Thornton, and Waterville Valley.

VI. Hillsborough: District 1, the town of Bedford and the city of Manchester; District 2, the towns of Hollis, Hudson, and Pelham and the city of Nashua; District 3, the towns of Amherst, Antrim, Bennington, Brookline, Deering, Francestown, Goffstown, Greenfield, Greenville, Hancock, Hillsborough, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, and Windsor.

VII. Merrimack: District 1, the towns of Boscawen and Webster, and the city of Concord; District 2, the towns of Allentown, Andover, Canterbury, Chichester, Epsom, Hill, Loudon, Northfield, Pembroke, Pittsfield, Salisbury, and the city of Franklin; District 3, the towns of Bradford, Bow, Danbury, Dunbarton, Henniker, Hooksett, Hopkinton, New London, Newbury, Sutton, Warner, and Wilmont.

VIII. Rockingham: District 1, the towns of Danville, East Kingston, Greenland, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newington, Newton, North Hampton, Plaistow, Rye, Seabrook, South Hampton, and Stratham, and the city of Portsmouth; District 2, the towns of Atkinson, Brentwood, Epping, Exeter, Fremont, Hampstead, Newfields, Newmarket, Raymond, Salem, and Sandown; District 3, the towns of Auburn, Candia, Chester, Deerfield, Derry, Londonderry, Northwood, Nottingham, and Windham.

IX. Sullivan: District 1, the city of Claremont; District 2, the towns of Cornish, Croyden, Grantham, Newport, Plainfield, and Springfield; District 3, the towns of Acworth, Charlestown, Goshen, Langdon, Lempster, Sunapee, Unity, and Washington.

2 Application. No provision of this act shall be construed as affecting the constituencies or terms of office of county commissioners presently in office. If there shall be a vacancy in a county commissioner district for any reason prior to the 2002 state general election, the vacancy shall be filled under the terms of RSA 661:9 from the same county commissioner district that existed for the 2000 state general election. The nomination and election of county commissioners at the 2002 state general election shall be by districts as provided in this act.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

### **HB 1158**, relative to the definition of "party". **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: This bill would lower the threshold for "third parties" obtaining ballot status from four percent of the total number of votes cast in the preceding election to three percent. The majority believes that access is important but that some percentage of support must be shown. It then becomes a question of which percent. Some in the minority actually favored an increase to five percent which would, of course, have made ballot access more difficult. In opting to keep the number at four percent, the committee took into account that a change down to three percent would not have made a difference for the Libertarian Party in the post election cycles when it failed to achieve ballot status. In other words, it failed to attain three percent as well as four percent. Current legislation also allows for the office of governor and US senate to be considered in attaining the four percent. There was some consideration to go up to the three percent but of having only the office of governor be considered. This, however, would seem to provide less of a chance of "third party" ballot access, so the status quo option seemed best. Vote 11-5.

Adopted.

### **HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: This bill was moved for interim study to allow a review of the basic content as amended and provide for the possible creation of a new bill for consideration in the next house session. Vote 16-0.

Adopted.

### **HB 1102**, establishing a committee to study a hazardous waste coordinator certification program. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Swindlehurst for Environment and Agriculture: The committee went beyond the need for study and amended the bill to allow the Department of Environmental Services (DES) to move forward with a program of certification for all individuals who coordinate the processing of hazardous waste. Vote 13-0.

#### **Amendment (2451h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a hazardous waste coordinator certificate program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Section Heading. Amend the section heading of RSA 147-A:5 to read as follows:

147-A:5 Terms and Conditions of Operator Permits; Facility Personnel; *Certified Hazardous Waste Coordinator Program*.

2 New Paragraph; Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5 by inserting after paragraph II the following new paragraph:

III. Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal certification shall not be transferable. Initial certification shall be valid for one

year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements.

(b) Each application for initial or renewal of a hazardous waste coordinators certification shall be accompanied by a non-refundable fee of \$125 per year to cover department expenses for conducting the certification program.

3 New Paragraph; Rulemaking. Amend RSA 147-A:3 by inserting after paragraph XXV the following new paragraph:

XXVI. Administration of a hazardous waste coordinator certification program pursuant to RSA 147-A:5, III, including criteria relating to education and experience and the procedures for initial certification of hazardous waste coordinators as well as continuing education requirements for renewals, and associated fees.

4 New Paragraph; Purpose and Use of Fund. Amend RSA 147-B:6 by inserting after paragraph I-e the following new paragraph:

I-f. Fees collected in accordance with RSA 147-A:5, III(b) and deposited in the hazardous waste cleanup fund shall be accounted for separately and used to process hazardous waste coordinator certification applications, provide technical training and assistance to coordinators, and hire personnel.

5 Supplemental Appropriation to the Department of Environmental Services. Amend 2001, 130.1, 03, 04, 04, 01, 01 for fiscal year 2003 to read as follows:

03 RESOURCE PROTECT' N & DEVELOP' T

04 DEPT OF ENVIRONMENTAL SERVICES

04 DIVISION OF WASTE MANAGEMENT

01 HAZARDOUS WASTE PROGRAMS

01 HAZARDOUS WASTE CLEANUP FUND

	<u>FY 2003</u>	
10 PERSONAL SERVICES – PERMANENT	1,160,459	
18 OVERTIME	<del>[68,074]</del>	<b>69,074</b>
20 CURRENT EXPENSES	<del>[72,002]</del>	<b>82,002</b>
22 RENT & LEASES OTHER THAN STATE	8,000	
24 MAINT. OTHER THAN BUILD. & GRNDS	10,800	
28 TRANSFERS TO GENERAL SERVICES D	<del>[61,001]</del>	<b>63,401</b>
30 EQUIPMENT NEW/REPLACEMENT	[33,000]	<b>36,000</b>
49 TRANSFERS TO OTHER STATE AGENCS D	<del>[240,854]</del>	<b>241,854</b>
50 PERSONAL SERVICE – TEMP/APPOINTE	27,659	
51 CONSULTANTS-BENEFITED	1,052	
59 PART –TIME – BENEFITED	<del>[346,059]</del>	<b>384,669</b>
60 BENEFITS	<del>[506,066]</del>	<b>518,421</b>
70 IN-STATE TRAVEL	<del>[15,000]</del>	<b>16,000</b>
80 OUT-OF STATE TRAVEL	<del>[20,000]</del>	<b>21,500</b>
90 HHW COLLECTION	250,000	
91 REMEDIAL ACTION	10,000	
92 CONTRACTS	100,000	
93 USED OIL GRANTS	<del>[100,000]</del>	<b>110,385</b>
94 TUITION	7,000	
96 MEDICAL MONITORING	12,100	
97 DISPOSAL – TAINTED OIL	10,000	
TOTAL	<del>[3,059,125]</del>	<b>3,140,376</b>
ESTIMATED SOURCE OF FUNDS FOR		
HAZARDOUS WASTE CLEANUP FUND		
03 REVOLVING FUNDS I	<del>[3,059,125]</del>	<b>3,140,376</b>
TOTAL	<del>[3,059,126]</del>	<b>3,140,376</b>

THE FUNDS IN THESE APPROPRIATIONS SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE

5 Effective Date. This act shall take effect January 1, 2003.

## AMENDED ANALYSIS

This bill establishes a hazardous waste coordinator certification program. The bill also makes a supplemental appropriation for such program to the department of environmental services for FY 2003. Adopted.

Report adopted and referred to Finance.

**HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services. **OUGHT TO PASS**

Rep. Richard P. Brewster for Environment and Agriculture: The committee felt the state grant to a community for the cost of closing a landfill should not be affected by gift to the community for that purpose. The bill does allow reduction of the state grant for receipt of insurance, federal assistance and similar receipt by the community. Vote 13-0.

Adopted and ordered to third reading.

**HB 1199-FN**, providing for the certification of seepage haulers. **INEXPEDIENT TO LEGISLATE**

Rep. Richard P. Brewster for Environment and Agriculture: A majority of the committee feels that those in the seepage hauling industry would find it to their benefit to insure that those employees who operate their equipment are properly trained within the industry. Vote 7-6.

Adopted.

**HB 1305-FN**, relative to the pollution prevention program. **OUGHT TO PASS**

Rep. John R. Swindlehurst for Environment and Agriculture: This program is on going and the committee believes it should continue. Vote 14-1.

Adopted.

Referred to Finance.

**HB 1183**, establishing a committee to study the conformity of administrative rules to statutory authority. **REFER FOR INTERIM STUDY**

Rep. Raymond C. Cummings for Executive Departments and Administration: Executive Departments and Administration Committee received four bills, which pertained to studying conformity of administrative rules to statutory authority. This bill has merits but there is not enough time to make the necessary amendments. For this reason, the committee is recommending interim study. Vote 14-0.

Adopted.

**HB 1204**, relative to administrative rulemaking of the sweepstakes commission. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: This bill would eliminate rule making authority from the sweepstakes commission and take away \$325,000 used to enhance purses at the horse and dog tracks. If the horse track lost the extra purse money, they would cease selling sweepstake tickets, which would be a considerable loss to the state. Horse racing revenue has showed an alarming decline over the past few years. It was felt this bill might hasten the closure of the track in Salem. This bill should be studied in the interim study of HB 1183. Vote 15-0.

Adopted.

**HB 1210**, relative to training to be a licensed esthetician. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, still retains the original intent of allowing an esthetician the opportunity of substituting a board-approved apprenticeship for the required training for licensure. The amendment recognized that needing one year of employment was difficult to accomplish because most barbers, cosmetologists, etc. are paid by commissions and therefore are not truly employees under the Department of Labor interpretation. The amendment finally provides a clearer meaning of pedicure services by estheticians. Both subjects of the amendment met with no objection from the Board of Barbering, Cosmetology and Esthetics. Vote 15-1.

## Amendment (2584h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Amend the bill by replacing section 2 with the following:

2 Barbering, Cosmetology and Esthetics; Shop Licensure; Experience Required. Amend RSA 313-A:19, II(a) to read as follows:

II.(a) Any licensed barber, cosmetologist, manicurist, or esthetician who has completed one year of actual [employment] *experience* in a salon or barbershop shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board.

3 Barbering, Cosmetology and Esthetics; Shop Licensure; Experience Required. Amend RSA 313-A:19, IV to read as follows:

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon or barbershop who does not personally engage in cosmetology, barbering, or esthetics, provided the salon or barbershop shall fulfill all requirements set forth in the rules of the board and provided further that the owner has paid the required license fee for such salon or barbershop and employs a licensed cosmetologist, barber, manicurist, or esthetician as manager who has previously completed one year of actual [employment] *experience* in a licensed salon or barbershop. However, this section shall not authorize such owner to practice cosmetology, barbering, manicuring, or esthetics unless the owner has a cosmetologist, barber, or esthetician license.

4 Definitions. Amend RSA 313-A:1, VIII to read as follows:

VIII. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; [or]

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; *or*

(d) *Providing pedicure services, including therapeutic skin and nail care treatments for the foot, beautifying the foot and massaging, cleansing or stimulating the foot by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the toenails, and polishing the toenail.*

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows persons who have apprenticed as an esthetician to substitute such apprenticeship for the required training for purposes of licensure as an esthetician.

The bill also allows for one year of actual experience, rather than employment, for a barber, cosmetologist, or esthetician to apply for shop licensure.

Adopted.

Report adopted and ordered to third reading.

**HB 1276**, permitting pharmacists to dispense emergency contraception. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Nelson S. Allan for the Majority of Executive Departments and Administration: This bill permits pharmacists to dispense emergency contraception if the pharmacists meet certain criteria established by the board of pharmacy. A pharmacist through a collaborative agreement established with a licensed practitioner would dispense this medication. This emergency contraception pill (ECP's) may help prevent unwanted pregnancy by preventing implantation of a fertilized egg to the lining of the uterus, or delaying release of an egg from the ovary, or preventing egg fertilization from occurring. This medication has a limited time frame of effectiveness (72 hours after "unsafe sex"), requiring quick ECP access from the pharmacist. The time pressure raises issues of providing for parental consultation/physician's intervention before dispensing this powerful medication. There is little experience in the state regulation of this process, only one state has a similar program. The recommendation of inexpedient to legislate (ITL) was supported by a large majority of the committee. Some committee members felt New Hampshire should not be the second state in the nation to implement this pioneering and controversial program Vote 12-3.

Rep. Marion J. Pawlek for the Minority of Executive Departments and Administration: HB 1276 would enable the creation of an advisory committee that would work with the board of pharmacy

to develop protocols allowing pharmacists to dispense emergency contraception pill (ECP's). The emergency contraception involved are elevated hormone levels of the standard birth control pill which need to be taken within 72 hours of unprotected intercourse. The protocols would outline collaborative agreements between medical providers and pharmacists who voluntarily choose to participate in the program. Use of the program would increase access for those in rural areas, those who have limited access to medical care, and those in crisis situations. The American Medical Association considers emergency contraception pills so safe that they have urged the federal government to make ECPs available without a prescription as over the counter medication. The minority felt that this bill ought to pass. This would reduce unwanted pregnancies and reduce the number of abortions performed in our state. In addition, this bill as amended was supported by the New Hampshire Medical Society, New Board of Pharmacy and the New Hampshire Board of Nursing. Majority report adopted.

### **HB 1295, establishing an environmental services review commission. INEXPEDIENT TO LEGISLATE**

Rep. Joan H. Schulze for Executive Departments and Administration: The bill would have established a commission to review the administrative rules of the department of environmental services and adopt a plan for a mediation board to arbitrate non-compliance issues. The committee felt that there is already an effective system in place, the Joint Legislative Committee on Administrative Rules (JLCAR). The new commission would be redundant. The committee also heard HB 1183 on the conformity of administrative rules to statutory authority, which we have recommended for interim study. The committee felt that it would be appropriate to include the issues contained within HB 1295 as well as HB 1204 and HB 1416 in this study. Vote 14-0.  
Adopted.

### **HB 1416-FN, relative to the extent of the authority of agencies to adopt administrative rules. INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: Executive Departments and Administration Committee received four bills, which pertained to studying conformity of administrative rules to statutory authority. Health and Human Services and other agencies expressed concern that this bill would constitute a significant and unnecessary burden in their rule making. The committee has recommended that HB 1183 be referred to interim study and intends to further consider the issues raised in this bill as part of that process. Vote 15-1.

Rep. Clegg spoke against and yielded to questions.

Reps. Cummings and Dyer spoke in favor.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## **YEAS 190 NAYS 150**

### **YEAS 190 BELKNAP**

Flanders, Donald  
Russell, David

Holbrook, Robert  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

### **CARROLL**

Patten, Betsey

Stevens, Stanley

### **CHESHIRE**

Allen, Peter  
Dexter, Judson  
Meador, David  
Richardson, Barbara

Avery, Stephen  
Espieles, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

### **COOS**

Bradley, Paula  
Landers, Dana

Davis, Perley  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Lovett, Sid  
Pawlek, Marion  
Ward, Brien

Cobb, John  
Marshall, Gene  
Scovner, Nancy

Cooney, Mary  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Allan, Nelson  
Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Eaton, Richard  
Goley, Jeffrey  
Hall, Betty  
Johnson, Lionel  
L'Heureux, Robert  
Martin, Mary Ellen  
Murphy, Robert  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Ford, Nancy  
Gorman, Mary  
Hall, Charles  
Kacavas, John  
Leach, Edward  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
Shaw, Barbara  
Tate, Joan

Bellavance, Paul  
Cardin, Lori  
Cote, Peter  
Dwyer, Paul  
Foster, Linda  
Graham, John  
Holden, Randolph  
Keye, Harvey  
Leishman, Peter  
Melcher, Harold  
Pepino, Leo  
Spiess, Paul  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Carlson, Donald  
Craig, James  
Dyer, Merton  
Ginsburg, Ruth  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
Sullivan, Peter  
Wheeler, Robert

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
Feuerstein, Martin  
Jacobson, Alf  
Moore, Carol  
Rush, Deanna

Burney, Carol  
Cummings, Raymond  
French, Barbara  
Kennedy, Richard  
Owen, Derek  
Seldin, Gloria

Clarke, Claire  
Daneault, Gabriel  
Gile, Mary  
Langer, Ray  
Potter, Frances  
Wallner, Mary Jane

Colcord, J D  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Reardon, Tara  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dearborn, Bruce  
Flanders, John Sr  
Kane, Cecelia  
McGuire, Robert  
O'Neil, Michael  
Robertson, Carl  
Splaine, James

Bowles, Raimond  
Coes, Betsy  
DiFruscia, Anthony  
Griffin, Mary  
Katsakiores, George  
Micklon, Stephanie  
Pantelakos, Laura  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Carson, Sharon  
Cooney, Richard  
Dowling, Patricia  
Hamel, Albert  
Kobel, Rudolph  
Morse, Charles  
Pitts, Jacqueline  
Shultz, Elizabeth  
Whittier, John

Case, Margaret  
Cox, Russell  
Downing, Michael  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Reardon, Neil  
Sloan, Stephen  
Zolla, William

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Kaen, Naida  
Proulx, Raymond  
Twombly, James

Bickford, David  
Dunlap, Patricia  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brown, Julie  
Ferland, Paul  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

**SULLIVAN**

Allison, David  
Flint, Gordon Sr

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

**NAYS 150****BELKNAP**

Boyce, Laurie  
Pilliod, James  
Wendelboe, Fran

Czech, Stanley  
Rice, Thomas Jr

Lawton, David  
Rosen, Ralph

Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Mock, Henry

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph  
Sullivan, P Judith

**CHESHIRE**

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

**COOS**

Gallus, John

Pratt, Leighton

Woodward, David

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Mirski, Paul

Alger, John  
Gabler, William  
Scanlan, David

Barker, Robert  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Williams, Burton

**HILLSBOROUGH**

Alukonis, David  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Furman, Christine  
Goulet, Maurice  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Salts, Greg  
Thulander, O Alan

Artz, Lawrence  
Bragdon, Peter  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Gargas, Carolyn  
Herman, Keith  
LaRose, Richard  
McHugh, Claire  
O'Connell, Timothy  
Sargent, Maxwell  
White, Donald

Balboni, Michael  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Gleneck, David  
Hopper, Gary  
Lefebvre, Roland  
Mercer, Robert  
Reeves, Sandra  
Souza, Kathleen

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Golding, William  
Jean, Loren  
Lessard, Rudy  
Messier, Irene  
Rowe, Robert  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
Soltani, Tony

Brewster, Richard  
L'Heureux, Stephen  
Swindlehurst, John

Fraser, Leo Jr  
MacKay, James  
Whalley, Michael

Hess, David  
Maxfield, Roy  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Gilbert, Jeffrey  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas

Belanger, Ronald  
Chalbeck, Kevin  
Dumaine, Dudley  
Gilbert, Karl  
Holland, James Jr  
Johnson, Rogers  
Langone, John  
Nowe, Ronald  
Quandt, Marshall  
Stone, Joseph  
Welch, David

Boynton, James  
Clark, Vivian  
Fesh, Bob  
Giordano, Ronald  
Hutchinson, Karen  
Katsakiores, Phyllis  
Letourneau, Robert  
Packard, Sherman  
Quandt, Matthew  
Stritch, C Donald  
Weyler, Kenneth

Bridle, Russell  
Corbin, Corey  
Francoeur, Sheila  
Gleason, John  
Introne, Robert  
Kelley, Jane  
Major, Norman  
Power, Lucille  
Rausch, James  
Trueman, Raymond

**STRAFFORD**

Albert, Russell  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

Heon, Richard

**SULLIVAN**

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

Phinazy, James

and the report was adopted.



**HB 1448-FN**, relative to the salaries of unclassified state officers. **INEXPEDIENT TO LEGISLATE**  
 Rep. Michael O'Neil for Executive Departments and Administration: This bill proposes placing all unclassified employees covered by the 2001 Hay Study of the Unclassified Salary Structure on either the minimum step in the newly adopted salary range or on the next highest step if the employee's salary prior to the change was already within the new range. This placement was the recommendation included in the Hay Group Final Report. However, when HB 170 was adopted last year and the new Hay Study salary ranges were approved, there was still a law in place that required employees to be placed in a new salary range "as their length of service justifies." (RSA 94:1-a,III) Therefore when the new ranges went into effect on December 28, 2001, virtually all employees were placed at a higher range than the Hay Study recommended pursuant to the current law. This bill would decrease those salaries by placing the employees at lower steps in the new range. The Committee doesn't support lowering the salaries contrary to current law. Additionally the committee received testimony that the Governor and Council have recently approved starting salaries for new unclassified employees at the maximum step in the new range. The Committee does not think it is fair for new state employees to be treated better than current loyal and dedicated state employees. The Committee concludes that the unclassified employees should continue at the higher steps in the new ranges as required by the current law. The second section of the bill regarding employees receiving a higher current salary than recommended by the Hay Study has been addressed by the Fiscal Committee and is not therefore needed Vote 13-2.  
 Adopted.

### SPECIAL ORDER

**HB 294-FN**, excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief. **REFER FOR INTERIM STUDY**  
 Rep. Robert L. Wheeler for Finance: The Committee felt that an indeterminable fiscal impact statement was unavoidable, given the missing detail in this bill on the nature of pensions. Since the Finance Committee is thus not able to do its work, and since the Ways & Means Committee, the Policy Committee in this case, will be studying property tax hardship relief over the interim, we felt that interim study is the most appropriate path to take Vote 18-0.  
 Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor. **OUGHT TO PASS**  
 Rep. Robert G. Holbrook for Finance: Last session, we passed HB 311, increasing fees for sewerage or waste disposal permits, in order to fund a new position of septage coordinator to address an increasing septage problem. This bill establishes that position. It will cost \$28,992 for FY03. Vote 18-0.  
 Adopted and ordered to third reading.

**HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Maryann N. Blanchard for Finance: The committee supports the intent of this bill and its \$3.00 increase in boat registration fees to fund milfoil prevention and research activities. The amendment clarifies some statutory citations and other definitions. Further, it includes the Department of Safety in the approval of grants for milfoil prevention only. Also, it includes state agencies as well as non-profits as eligible grant applicants. Grant applicants from higher education institutions are exempted from the 50/50-match requirement. The fee increase should produce revenues of \$294,600 (\$3 x 98,200) per year. The program costs are tied to the revenue received. Vote 19-0.

### Amendment (2445h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a milfoil and other exotic aquatic plants prevention program.

Amend the bill by replacing all after the enacting clause with the following:

I Increase in Boat Registration Fee for Lakes Restoration and Preservation Fund. Amend RSA 270-E:5, II (a) to read as follows:

(a) [§2] \$5 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

2 Lake Restoration and Preservation Fund; Milfoil and Other Exotic Aquatic Plants Prevention Program. Amend RSA 487:25, 1 to read as follows:

I. ~~[An additional]~~ *The fee of [2] \$5 [to those already]* collected under the provisions of RSA 270-E:5, *II(a) [for each private boat registered]* shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said ~~[additional fees]~~ *fee* to the state treasurer who shall keep ~~[said fees]~~ *the fee* in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, ~~[and]~~ *\$1.50 of the fee for the control of exotic aquatic weeds, and \$3 of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$3 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program.* The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

3 New Subdivision; Milfoil and Other Exotic Aquatic Plants Prevention. Amend RSA 487 by inserting after section 25 the following new subdivision:  
Milfoil and Other Exotic Aquatic Plants Prevention

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. Up to 2/3 of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

487:27 Management Plan. The commissioner of the department of environmental services, or designee, in consultation with the commissioner of safety, or designee, shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

- I. Eligibility determination criteria and procedures.
- II. Application requirements and procedures.
- III. Project selection and prioritization requirements and procedures.
- IV. Stewardship requirements and procedures, including annual reporting to the department

by the grantee.

487:28 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this program only to eligible applicants. Eligible applicants shall include:

- (a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.
- (b) Municipalities or other political subdivisions of the state.
- (c) Institutions of higher learning.
- (d) State agencies.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The department may exempt institutions of higher learning from the required match. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:29 Milfoil and Other Exotic Aquatic Plants Prevention; Grant Fund Report and Budget. The department of environmental services shall submit an annual report, beginning on January 1, 2004, to the speaker of the house, president of the senate, and the governor and council which shall in-

clude, but not be limited to, a description of prevention and research projects funded by the milfoil and other exotic aquatic plants prevention program and the extent of aid to municipalities or subdivisions of the state, non-profit corporations, and research institutions.

4 Exotic Aquatic Weeds; Control. Amend RSA 487:17, II to read as follows:

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage or ~~[eradicate]~~ **control** exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) ~~[Eradicate]~~ **Control** small new infestations of exotic aquatic weeds, according to the following criteria:

(1) The waterbody had been free, within the previous 5 years, of the exotic aquatic weed to be treated.

(2) The infestation is not widespread in the waterbody, and the department shall have determined that the exotic aquatic weed can in fact be ~~[eradicated from]~~ **controlled in** the waterbody.

(3) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430.

(c) Develop an emergency response protocol to ~~[eradicate]~~ **control** small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of safety services, department of safety, restricted use of exotic aquatic weed control areas.

5 Project Prioritization; Control of Exotic Aquatic Weeds. Amend RSA 487:18 to read as follows:

487:18 Project Prioritization. Project approval shall be based upon prioritization factors to be established by rules adopted under RSA 541-A. Such rules shall give first priority for expenditure of available funds to the ~~[eradication of]~~ **control of** new infestations of exotic aquatic weeds pursuant to RSA 487:17, II(b) ~~[and second priority to all reasonable measures to control exotic aquatic weeds]~~. Otherwise, preference shall be given to lakes that have public access or that serve as a public drinking water supply. Implementation measures shall be based upon an assessment of potential success, technical feasibility, practicability, and cost effectiveness. Restoration and preservation projects shall include watershed management plans to control and reduce incoming nutrients wherever possible through best management practices. Repeated short-term solutions shall be discouraged where long-term solutions are feasible and cost effective. Treatments shall be designed to minimize any adverse effect upon fish and wildlife, their habitats, and the environment.

6 Cost Sharing; New Infestations of Exotic Aquatic Weeds. Amend RSA 487:21, III to read as follows:

III. For water quality maintenance programs, the department may provide an amount of funding not to exceed 80 percent of the total eligible costs, as determined by the department, except that for the ~~[eradication]~~ **control** of new infestations of exotic aquatic weeds the state may assume 100 percent of the cost.

7 Prospective Repeal; January 1, 2008. RSA 487:26-29, relative to the milfoil and other exotic aquatic plants prevention program is repealed.

8 Decrease in Boat Registration Fee for Lakes Restoration and Preservation Fund. RSA 270-E:5, II (a) is repealed and reenacted to read as follows:

(a) \$2 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

9 Lake Restoration and Preservation Fund; Addition to Boat Fee; Reduced Amount. RSA 487:25, I is repealed and reenacted to read as follows:

I. The fee of \$2 collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, and \$1.50 of the fee for the control of exotic aquatic weeds. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

10 Effective Date.

- I. Sections 7-9 of this act shall take effect January 1, 2008.
- II. The remainder of this act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill creates a program administered by the department of environmental services and the department of safety to aid state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and by the department of environmental services for institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special account in the lake restoration and preservation fund to provide money for the milfoil and other exotic aquatic plants prevention program. Funding for the prevention program account is provided by an increase to the boat registration fee.

The milfoil and other exotic aquatic plants prevention program and the increase to the boat registration fee will expire on January 1, 2008.

Adopted.

Report adopted and ordered to third reading.

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Robert H. Rowe for Majority of Judiciary: The purpose of this bill is to establish a procedure for the review of the performance of each judge every 7 years. Criteria for review includes factors such as integrity, legal knowledge and ability, judicial temperament, impartiality, commitment to justice and adherence to the judicial code of conduct and administrative and communicative skills. This bill will help insure that New Hampshire will continue to have a quality and professional judicial branch. The review will go far in dispelling much of the negative public perception that New Hampshire does not have quality and well-performing justices. Two separate amendments, blended into the final one, made technical corrections to the original bill plus determining that the Judicial Conduct Committee (JCC) would take one majority "vote" that the judge under review ought to be removed from office. The commission shall present its findings in the form either of a draft bill of particulars for an address or draft articles of impeachment, to the Speaker of the House and the President of the Senate for such action as the Legislature, pursuant to its constitutional authority, shall deem appropriate. Reviewing two judges a month should add little workload to the JCC, since staff, funded in this bill, should handle most, if not all, investigatory work. This REVIEW is not a duplication of evaluations conducted internally under RSA 490:32. It must be pointed out that those evaluations are conducted by the judicial branch themselves with no public input. This 7-year review is a consideration of those evaluation results and in addition has input from the public, who by the way, are the users of the courts. Further, this review panel is totally independent of all branches of government and is a citizen majority commission. All state employees by statute are required to be evaluated annually; all elected persons are evaluated biennially; should there not be an independent performance review for lifetime appointees? The majority says, "YES". Vote 12-6.

Rep. Peter F. Bergin for the Minority of Judiciary: With about 140 full and part time judges, the Judicial Conduct Committee would have to conduct a hearing and evaluation on two judges each month in addition to their current workload. Currently, the JCC regularly considers complaints under the judicial code of conduct, which judges live under. This addresses integrity, impartiality, administrative and communicative skills, judicial temperament and a commitment to justice. In addition, the legislature three years ago passed RSA 490:32, a judicial evaluation process. If the JCC was involved in judicial reviews it would have to maintain a staff which would be costly, but also would duplicate the efforts of RSA 490:32. This bill also requires the JCC to hold a public hearing and receive testimony to determine the ability of a judge. Since the bill has no requirement for sworn testimony, the JCC could not solely rely on the validity of this testimony. It also could turn into a gripe session for unhappy litigants. HB 1100 amends the enabling legislation, which created the JCC in June 2001. The commission is still in the process of developing rules and procedures. Many of its newly appointed volunteers have stated that they would not have the time to devote to such

a large additional responsibility. This may result in the loss of a number of excellent volunteers. Also, the bill does not give the commission enough funding and guidelines to be an effective review board. Finally, HB 1100, as currently written, is an ineffective way to conduct oversight of judicial performance. In the end, it will cost the state money because it is labor intensive, expensive, time consuming for everyone involved, duplicates a process already in existence and needlessly involves judges who are effective on a daily basis. It would be similar to the police setting up a speed trap and stopping everyone, the police may catch a few more, but at a great inconvenience and expense.

### **Majority Amendment (2598h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Section Heading; Reference Added. Amend the section heading to RSA 494-A:10 to read as follows:

494-A:10 Duties; Proceedings; Review of Judges.

2 New Section; Periodic Review of Judges. Amend RSA 494-A by inserting after section 11 the following new section:

494-A:11-a Periodic Review of Judges.

I. The commission shall review all judges, as defined in RSA 494-A:2, III, every 7 years. For judges who have served less than 7 years on the effective date of this section or who are appointed after the effective date of this act, a review shall be held every 7 years after the date of the judge's initial appointment. For any judge who has served for more than 14 years on the effective date of this section, a review shall be held prior to January 1, 2005 and every 7 years from the date of such initial review. For any judge who has served for 7 years or more but 14 years or less on the effective date of this act, a review shall be held prior to January 1, 2007, and every 7 years from the date of such initial review.

II. In conducting the review, the commission shall hold at least one public hearing, receive testimony, and examine pertinent documents to determine the fitness of the judge. The supreme court shall make available to the commission judicial performance evaluations required by RSA 490:32.

III. In reviewing judges, the commission shall consider factors such as integrity, legal knowledge and ability, judicial temperament, impartiality, commitment to justice, adherence to the code of judicial conduct, and administrative and communicative skills.

IV. If the commission determines by a majority vote that the judge under review ought to be removed from office, the commission shall present its findings in the form either of a draft bill of particulars for an address or draft articles of impeachment to the speaker of the house and the president of the senate for such action as the Legislature, pursuant to its constitutional authority, shall deem appropriate.

3 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the judicial conduct commission, for the purposes of hiring staff as authorized under RSA 494-A:17. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2003.

Majority amendment adopted.

Reps. Espieffs, Jacobson and Bergin spoke against.

Rep. Soltani spoke against and yielded to questions.

Rep. John Pratt, Rowe and Mock spoke in favor.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 192 NAYS 143**

**YEAS 192  
BELKNAP**

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Salatiello, Thomas

Flanders, Donald  
Rice, Thomas Jr  
Thomas, John

Holbrook, Robert  
Rosen, Ralph  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Emerson, Susan  
Pratt, John

Batchelder, Robert  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

**COOS**

Davis, Perley  
Rozek, Michael

Gallus, John  
Stohl, Eric

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gabler, William  
Mirski, Paul  
Williams, Burton

Barker, Robert  
Gilman, G Michael  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Gleneck, David  
Guinta, Frank  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
Milligan, Robert  
Rowe, Robert  
Sullivan, Peter  
Thulander, O Alan

Alukonis, David  
Bouchard, David  
Buckley, Raymond  
Clegg, Robert Jr  
Dionne, Kimberley  
Ford, Nancy  
Golding, William  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
O'Connell, Timothy  
Salts, Greg  
Sweeney, Cynthia  
Wheeler, Robert

Artz, Lawrence  
Bragdon, Peter  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Foster, Linda  
Goulet, Maurice  
Holden, Randolph  
Konyms, Christine  
Leach, Edward  
McHugh, Claire  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
White, Donald

Balboni, Michael  
Brundige, Robert  
Carlson, Donald  
Craig, James  
Emerton, Lawrence Sr  
Ginsburg, Ruth  
Graham, John  
Hopper, Gary  
Kurk, Neal  
Lefebvre, Roland  
Mercer, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Winter, Steven

Cummings, Raymond  
Hutchinson, John  
MacKay, James

Feuerstein, Martin  
Kennedy, Richard  
Swindlehurst, John

Fraser, Leo Jr  
L'Heureux, Stephen  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Clark, Martha Fuller  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Katsakiores, George  
Langone, John  
Micklon, Stephanie  
Packard, Sherman  
Reardon, Neil  
Strich, C Donald

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Ruffner, Walter  
Trueman, Raymond

Bowles, Raimond  
Carson, Sharon  
Corbin, Corey  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

Boynton, James  
Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Rausch, James  
Stone, Joseph  
Welch, David

**STRAFFORD**

Albert, Russell  
 Gilmore, Gary  
 Reid, Christopher

Bickford, David  
 Grassie, Anne  
 Rollo, Michael

Cossette, Larry  
 Harrington, Michael  
 Wall, Janet

DeChane, Marlene  
 Hughes, Christopher  
 Woods, Phyllis

**SULLIVAN**

Flint, Gordon Sr

Leone, Richard

Odell, Bob

**NAYS 143****BELKNAP**

Johnson, William

Millham, Alida

Pilliod, James

Wood, Jane

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter  
 McGuirk, Paul  
 Richardson, Barbara

Burnham, Daniel  
 Meader, David  
 Slack, Pamela Russell

Espieffs, Peter  
 Mitchell, McKim  
 Weed, Charles

Manning, Joseph  
 Pratt, Irene  
 Zerba, Roger

**COOS**

Bradley, Paula

Guay, Lawrence

Landers, Dana

**GRAFTON**

Almy, Susan  
 Ham, Bonnie  
 Pawlek, Marion

Benn, Bernard  
 Lovett, Sid  
 Scovner, Nancy

Cooney, Mary  
 Naro, Debra  
 Sokol, Hilda

Eaton, Stephanie  
 Nordgren, Sharon  
 Solow, Martha

**HILLSBOROUGH**

Andosca, Mary  
 Chabot, Robert  
 Cote, David  
 Dwyer, Paul  
 Gargas, Carolyn  
 Hall, Charles  
 Leishman, Peter  
 Melcher, Harold  
 Panagopoulos, Nicholas  
 Spiess, Paul

Bellavance, Paul  
 Christiansen, Lars  
 Dokmo, Cynthia  
 Dyer, Merton  
 Goley, Jeffrey  
 Johnson, Lionel  
 Lynde, Harold  
 Messier, Irene  
 Peterson, Andrew  
 Vaillancourt, Steve

Bergeron, Jean-Guy  
 Clayton, William  
 Drabinowicz, A Theresa  
 Eaton, Richard  
 Gorman, Mary  
 Kacavas, John  
 Martin, Mary Ellen  
 Movsesian, Lori  
 Schulze, Joan  
 White, John

Bergin, Peter  
 Clemons, Jane  
 Drisko, Richard  
 Furman, Christine  
 Hall, Betty  
 Keye, Harvey  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Shaw, Barbara

**MERRIMACK**

Bouchard, Candace  
 Crosby, Toni  
 Gile, Mary  
 Maxfield, Roy  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Daneault, Gabriel  
 Greco, Vincent  
 Moore, Carol  
 Rush, Deanna  
 Yeaton, Charles

Burney, Carol  
 Davis, Frank  
 Jacobson, Alf  
 Owen, Derek  
 Seldin, Gloria

Clarke, Claire  
 French, Barbara  
 Lockwood, Priscilla  
 Potter, Frances  
 Soltani, Tony

**ROCKINGHAM**

Blanchard, MaryAnn  
 Cox, Russell  
 Kane, Cecelia  
 Norelli, Terie  
 Quandt, Matthew  
 Splaine, James  
 Zolla, William

Case, Margaret  
 DiFruscia, Anthony  
 Kelley, Jane  
 Pantelakos, Laura  
 Robertson, Carl  
 Weatherspoon, Jacquelyne

Coes, Betsy  
 Dowling, Patricia  
 Langley, Jane  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Weyler, Kenneth

Cooney, Richard  
 Johnson, Robert  
 McGuire, Robert  
 Quandt, Marshall  
 Sloan, Stephen  
 Whittier, John

**STRAFFORD**

Berube, Roger  
 Ferland, Paul

Brown, Julie  
 Goodwin, Earle

Dunlap, Patricia  
 Heon, Richard

Estabrook, Iris  
 Johnson, Nancy

Kaen, Naida  
Proulx, Raymond  
Woodill, Rodney

Knowles, William  
Snyder, Clair

Pelletier, Arthur  
Spang, Judith

Pelletier, Marsha  
Twombly, James

### SULLIVAN

Allison, David  
Harris, Joseph  
and the majority report was adopted.  
Referred to Finance.

Cloutier, John  
Harris, Sandra  
Jones, Constance

Franklin, Peter  
Phinizey, James

Reps. Burling and John Flanders declared conflicts of interest and did not participate.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Soltani requested that his protest be entered on the Journal.

This was a well-intentioned effort to introduce some accountability into the judicial branch. The recently created Judicial Conduct Commission was to periodically review and evaluate the performance of all New Hampshire judges based on objective criteria. The Commission was to report its findings to the legislature for further action. Unfortunately, the process was undermined by a series of unfriendly amendments to emasculate the effectiveness of the bill. The Commission as of now has no choice but to give the stamp of approval to every judge subject of the review. The proposal has been perverted from a judicial review process into a judicial validation rubber stamp. Moreover, the Commission has declared itself incapable of performing the proposed task through an untimely written communication presented to the House Judiciary Committee. The Commission is, thus, by definition, prevented from criticizing any action by the judicial branch or tendering an adverse report to the legislature regardless of the severity of the underlying conduct. This bill carries a price tag of \$150,000. In a time of pressing budgetary deficit, it is wrong to force a board to take on a function which it is unwilling, and by admission incapable of, doing. There are far better ways of spending the hard-earned taxpayers' dollars.

For these reasons I protest the action of the House on this bill.

### REGULAR CALENDAR (CONT'D.)

**HB 1321-L**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: At the present time, there are many private advocates in New Hampshire who accept social security appeal cases on a contingency basis. The towns are advised to refer clients to such individuals or legal assistance when a client receives a first denial letter. There is a process in place for advocates and attorneys to receive a part of the reimbursement coming back to the town. The committee believes that this bill is not necessary because currently the advocates and attorneys negotiate with the town to receive a portion of the settlement received by the town from the Social security Administration. Vote 13-3.  
Adopted.

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a local government records management improvement program and establishes a special fund to finance it. This program was recommended by the study committee established by HB 1151(2000). That study clearly established that there is an urgent need to educate personnel responsible for maintaining official records at the local level. These records contain all the history and vital statistics of the individual towns. Most N. H. towns are more than 225 years old. All of the older records are fragile and many are damaged. It is imperative that these records be preserved. Testimony was received that many towns and cities do not have proper facilities to store and protect these vital records, consequently, many have been damaged or lost. Many of these records must be stored permanently according to the standards set by the state, therefore it is imperative that they be appropriately stored. Funds can be used for hiring and salaries of qualified personnel who shall be responsible for administering the program. It shall be the responsibility of the individual filling this position to advise local government records managers on administering programs to better main-



tain and preserve the records. The bill appropriates \$250,000 to carry out the purpose of this program. The committee, while endorsing this bill and the program is well aware that the funds required for the grants established in the bill may not be available in the current biennium. It is hoped that funds may be available through federal grant programs.

This bill establishes the policy and the procedures for this program. Funding for the program may become available at a later date. Vote 11-3.

Rep. Harrington spoke against.

Rep. Brundige spoke in favor.

Adopted and referred to Finance.

**HB 1296**, relative to ambient groundwater quality standards. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: HB 1296 would prohibit the Commissioner of the Department of Environmental Services (DES) from either establishing an ambient groundwater quality standard for contaminants which are not already federally-regulated or from establishing a state standard for contaminants which is more restrictive than an existing federal standard. Without an amendment to specifically exempt all of the pre-existing state standards on contaminants which are not regulated by the federal government New Hampshire could lose federal funding for environmental cleanups. Vote 13-1.

Adopted.

**HB 1405**, relative to the Memorial Day holiday. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard C. Leone for State-Federal Relations and Veterans Affairs: The intent of the sponsor was to put more credence in the importance of the meaning of Memorial Day. They advocate a day "to mourn" in respect to all who have served or died for his/her country as a precedent rather than designate a "Monday" so everyone can have a long weekend. Although the committee acknowledges that this can create possible conflict in the schools, it hopes that New Hampshire businesses can be encouraged to respect the May 30th date. No one testified against the bill and the State Department of Education saw no problems with it. Vote 14-0.

**Amendment (2362h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2003.

Adopted.

Rep. Marsha Pelletier spoke against.

Rep. Avery spoke in favor.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 231 NAYS 95**

**YEAS 231**

**BELKNAP**

Boyce, Laurie  
Johnson, William  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Holbrook, Robert  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Emerson, Susan  
Meador, David  
Zerba, Roger

Batchelder, Robert  
Espieffs, Peter  
Pratt, John

Dexter, Judson  
Fairbanks, Chandler  
Roberts, William

Edwards, Dana  
Liebl, George  
Smith, Edwin

**COOS**

Davis, Perley  
Landers, Dana

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Stohl, Eric

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Cobb, John  
Gabler, William  
Marshall, Gene  
Scovner, Nancy

Alger, John  
Cooney, Mary  
Gilman, G Michael  
Mirski, Paul  
Sova, Charles

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Ward, Brien

Barker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Coughlin, Pamela  
Elliott, Larry  
Foster, Linda  
Goley, Jeffrey  
Hall, Charles  
Jean, Loren  
Kurk, Neal  
Martel, Andre  
Messier, Irene  
Pepino, Leo  
Shaw, Barbara  
Sweeney, Cynthia  
White, Donald

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clayton, William  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Martin, Mary Ellen  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Glenn, David  
Graham, John  
Holden, Randolph  
Kacavas, John  
Leach, Edward  
McDonough-Wallace, Alice  
Murphy, Robert  
Rowe, Robert  
Spiess, Paul  
Thompson, Rob

Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Cote, David  
Dyer, Merton  
Ford, Nancy  
Golding, William  
Guinta, Frank  
Hopper, Gary  
Keye, Harvey  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Sargent, Maxwell  
Sullivan, Peter  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
MacKay, James  
Swindlehurst, John

Bouchard, Candace  
Gile, Mary  
Kennedy, Richard  
Reardon, Tara  
Winter, Steven

Cummings, Raymond  
Hess, David  
L'Heureux, Stephen  
Rush, Deanna

Feuerstein, Martin  
Hutchinson, John  
Langer, Ray  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Corbin, Corey  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Nowe, Ronald  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

Belanger, Ronald  
Camm, Kevin  
Clark, Martha Fuller  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Bowles, Raimond  
Carson, Sharon  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Quandt, Matthew  
Sapareto, Frank  
Trueman, Raymond  
Weyler, Kenneth

Boynton, James  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Pantelakos, Laura  
Reardon, Neil  
Splaine, James  
Varrell, Thomas  
Whittier, John

**STRAFFORD**

Albert, Russell  
Dunlap, Patricia  
Heon, Richard  
Twombly, James

Berube, Roger  
Estabrook, Iris  
Hughes, Christopher  
Woodill, Rodney

Cossette, Larry  
Ferland, Paul  
Reid, Christopher  
Woods, Phyllis

DeChane, Marlene  
Harrington, Michael  
Rollo, Michael

**SULLIVAN**

Allison, David  
Jones, Constance

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Odell, Bob

Harris, Joseph  
Phinizy, James

**NAYS 95****BELKNAP**

Lawton, David

Pilliod, James

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Slack, Pamela Russell

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Hunt, John  
Pratt, Irene

Manning, Joseph  
Richardson, Barbara

**COOS**

Bradley, Paula

Woodward, David

**GRAFTON**

Benn, Bernard  
Sokol, Hilda

Ham, Bonnie  
Solow, Martha

Nordgren, Sharon  
Williams, Burton

Pawlek, Marion

**HILLSBOROUGH**

Alukonis, David  
Buckley, Raymond  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Konys, Christine  
Lynde, Harold  
Peterson, Andrew  
White, John

Andosca, Mary  
Clemons, Jane  
Dwyer, Paul  
Gorman, Mary  
LaRose, Richard  
McHugh, Claire  
Salts, Greg

Bellavance, Paul  
Craig, James  
Eaton, Richard  
Hall, Betty  
Lefebvre, Roland  
Melcher, Harold  
Schulze, Joan

Bergin, Peter  
Dokmo, Cynthia  
Furman, Christine  
Jean, Claudette  
Leishman, Peter  
Panagopoulos, Nicholas  
Vaillancourt, Steve

**MERRIMACK**

Brewster, Richard  
Daneault, Gabriel  
Lockwood, Priscilla  
Seldin, Gloria

Burney, Carol  
Davis, Frank  
Moore, Carol  
Wallner, Mary Jane

Clarke, Claire  
French, Barbara  
Owen, Derek  
Whalley, Michael

Crosby, Toni  
Greco, Vincent  
Potter, Frances  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Johnson, Robert  
Pitts, Jacqueline

Cooney, Richard  
Kane, Cecelia  
Rausch, James

DiFruscia, Anthony  
Kelley, Jane  
Shultz, Elizabeth

Gilbert, Jeffrey  
Micklon, Stephanie  
Sloan, Stephen

**STRAFFORD**

Bickford, David  
Johnson, Nancy  
Pelletier, Marsha

Brown, Julie  
Kaen, Naida  
Proulx, Raymond

Gilmore, Gary  
Knowles, William  
Snyder, Clair

Grassie, Anne  
Pelletier, Arthur  
Wall, Janet

**SULLIVAN**

Burling, Peter  
and the report was adopted.  
Ordered to third reading.

Cloutier, John

Franklin, Peter

Harris, Sandra

Rep. Burney voted nay and intended to vote aye.

### **HB 1452-FN, establishing the New Hampshire homeland defense service ribbon. REFER FOR INTERIM STUDY**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The committee recognizes the need to honor the citizen-soldiers and citizen-airmen who were called to active duty in the aftermath of the September 11th attacks. By referring this bill to Interim Study, the committee will

have the opportunity to resolve ambiguities related to the service ribbons impact on the veteran's tax credit and to coordinate this effort with any existing proposals being developed by the Adjutant General's Office. Vote 15-1.

Rep. Peter Sullivan spoke in favor.  
Adopted.

**HB 1383**, relative to lucky 7. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for the Majority of Ways and Means: HB 1383 is sent to interim study because nearly 2/3 of the committee believe that a number of unanswered questions exist surrounding the subject of electronic Lucky 7 vending machines. At present, no other state utilizes this system. We believe that cities and towns should have the opportunity to approve this new technology in the same manner that they presently authorize the manual dispensing of Lucky 7 tickets. This approval is uncertain in the present legislation. Time and further study can answer these and other questions that the committee has. It may turn out that this new technology is worth accepting. Only an interim study of HB 1383 will produce the answers that we need. Vote 9-5.

Rep. Vivian R. Clark for the Minority of Ways and Means: Although proponents of this bill insist that the machines merely simplify the Lucky 7 experience, in fact the machine shown to the committee looks like a video lottery terminal, sounds like a video lottery terminal, and operates like a video lottery terminal. If we want the state to study permitting Video Lottery Terminal's (VLT'S), we should do so in the context of the gaming study previously recommended, not in the context of Bingo and Lucky 7.

Rep. Vivian Clark spoke against.

Reps. Dickinson and Heon spoke in favor.

On a division vote, 199 members having voted in the affirmative and 124 in the negative, the majority report was adopted.

**HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The main thrust of this bill is to prohibit students in grades K through 12 from having a firearm in school. While it does prohibit the possession of firearms by others, the bill provides specific exemptions for anyone who is not a student but does have a valid permit to carry a concealed weapon when the individual is participating an approved program within a school and an exemption for law enforcement officers. It addresses the concern of sportsmen who might be crossing school property to gain access to hunting areas while still allowing the individual schools to prohibit such crossing if they choose. Vote 13-0.

**Amendment (2465h)**

Amend RSA 193-D:3 as inserted by section 2 of the bill by replacing it with the following:  
193-D:3 Criminal Penalties.

**I.** Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

**II.(a)** *Any person who knowingly possesses a firearm in a place which the person knows or has reasonable cause to believe is a safe school zone shall be guilty of a class A misdemeanor.*

**(b)** *This paragraph shall not apply to the possession of a firearm:*

**(1)** *By an individual who holds a valid permit under RSA 159:6 and who is over 18 years of age and not a pupil currently enrolled in grades K through 12.*

**(2)** *Which is locked in a motor vehicle, and is not loaded, and is not visible within such vehicle.*

**(3)** *By an individual as part of a program approved by a school located in a safe school zone.*

**(4)** *By an individual in accordance with a contract entered into between a school in the safe school zone and the individual or an employer of the individual.*

**(5)** *By any law enforcement officer, as defined in RSA 630:1, II.*

**(6)** *That is unloaded and is possessed by an individual while traversing school property for the purpose of gaining access to public or private lands open to hunting, provided the entry upon school property is not prohibited by school authorities. In circumstances where school*

*authorities have prohibited the conduct described in this subparagraph, it shall be a defense, as defined in RSA 626:7, I(a), to any prosecution under this section that there was no notice of such prohibition by school authorities posted in conspicuous locations on school property.*

### AMENDED ANALYSIS

This bill creates class A misdemeanor offenses for possession of a firearm in a safe school zone. The bill also creates various exceptions to the offenses.  
Rep. Itse spoke against and yielded to questions..  
Reps. William Johnson spoke in favor.  
Rep. Stevens spoke in favor and yielded to questions.  
Rep. Mirski requested a roll call; sufficiently seconded.  
The question being adoption of the committee amendment.

### YEAS 235 NAYS 80

#### YEAS 235

#### BELKNAP

Czech, Stanley	Flanders, Donald	Holbrook, Robert	Johnson, William
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Wood, Jane			

#### CARROLL

Bradley, Jeb	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley		

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Liebl, George	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Slack, Pamela Russell	Smith, Edwin	Weed, Charles
Zerba, Roger			

#### COOS

Davis, Perley	Horton, Lynn	Pratt, Leighton	Stohl, Eric
Woodward, David			

#### GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Ward, Brien	Williams, Burton

#### HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Emerton, Lawrence Sr	Fields, Dennis
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasch, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Guinta, Frank
Hall, Betty	Hall, Charles	Holden, Randolph	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire

Melcher, Harold  
 Murphy, Robert  
 Reeves, Sandra  
 Spiess, Paul  
 Vaillancourt, Steve

Mercer, Robert  
 Panagopoulos, Nicholas  
 Rowe, Robert  
 Sullivan, Peter  
 White, John

Messier, Irene  
 Pepino, Leo  
 Sargent, Maxwell  
 Tate, Joan

Milligan, Robert  
 Peterson, Andrew  
 Schulze, Joan  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Cummings, Raymond  
 Fraser, Leo Jr  
 Hess, David  
 Lockwood, Priscilla  
 Reardon, Tara  
 Whalley, Michael

Bouchard, Candace  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 MacKay, James  
 Rush, Deanna  
 Yeaton, Charles

Burney, Carol  
 Davis, Frank  
 Gile, Mary  
 Kennedy, Richard  
 Moore, Carol  
 Seldin, Gloria

Crosby, Toni  
 Feuerstein, Martin  
 Greco, Vincent  
 L'Heureux, Stephen  
 Potter, Frances  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Boynton, James  
 Clark, Martha Fuller  
 Corbin, Corey  
 Downing, Michael  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 O'Neil, Michael  
 Robertson, Carl  
 Splaine, James  
 Weatherspoon, Jacquelyne

Belanger, Ronald  
 Carson, Sharon  
 Clark, Vivian  
 Cox, Russell  
 Fesh, Bob  
 Gilbert, Karl  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langone, John  
 Micklon, Stephanie  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Stone, Joseph  
 Welch, David

Blanchard, MaryAnn  
 Case, Margaret  
 Coes, Betsy  
 Dearborn, Bruce  
 Flanders, John Sr  
 Giordano, Ronald  
 Holland, James Jr  
 Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 Rausch, James  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Whittier, John

Bowles, Raimond  
 Chalbeck, Kevin  
 Cooney, Richard  
 Dowling, Patricia  
 Francoeur, Sheila  
 Gleason, John  
 Kane, Cecelia  
 Kobel, Rudolph  
 McGuire, Robert  
 Norelli, Terie  
 Reardon, Neil  
 Sloan, Stephen  
 Varrell, Thomas  
 Zolla, William

### STRAFFORD

Albert, Russell  
 Estabrook, Iris  
 Johnson, Nancy  
 Proulx, Raymond  
 Twombly, James

Berube, Roger  
 Gilmore, Gary  
 Kaen, Naida  
 Reid, Christopher  
 Wall, Janet

DeChane, Marlene  
 Grassie, Anne  
 Pelletier, Arthur  
 Rollo, Michael  
 Woodill, Rodney

Dunlap, Patricia  
 Hughes, Christopher  
 Pelletier, Marsha  
 Spang, Judith

### SULLIVAN

Burling, Peter  
 Harris, Sandra

Cloutier, John  
 Jones, Constance

Ferland, Brenda  
 Leone, Richard

Franklin, Peter

### NAYS 80

### BELKNAP

Boyce, Laurie  
 Wendelboe, Fran

Lawton, David

Rice, Thomas Jr

Rosen, Ralph

### CARROLL

Babson, David Jr

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

### CHESHIRE

### COOS

Gallus, John

Guay, Lawrence

### GRAFTON

Alger, John  
 Gilman, G Michael  
 Mirski, Paul

Cobb, John  
 Giuda, Robert  
 Sova, Charles

Dudley, Terri  
 Ham, Bonnie

Gabler, William  
 Marshall, Gene

**HILLSBOROUGH**

Allan, Nelson  
 Brundige, Robert  
 Clegg, Robert Jr  
 Elliott, Larry  
 O'Connell, Timothy  
 Sweeney, Cynthia

Balboni, Michael  
 Bruno, Pierre  
 Coughlin, Pamela  
 Herman, Keith  
 Salts, Greg  
 Thompson, Rob

Bergeron, Jean-Guy  
 Christensen, D L Chris  
 Drabinowicz, A Theresa  
 Hopper, Gary  
 Shaw, Barbara  
 White, Donald

Bragdon, Peter  
 Christiansen, Lars  
 Eaton, Richard  
 Martel, Andre  
 Souza, Kathleen

**MERRIMACK**

Brewster, Richard  
 Soltani, Tony

Clarke, Claire  
 Swindlehurst, John

Hutchinson, John  
 Winter, Steven

Langer, Ray

**ROCKINGHAM**

Camm, Kevin  
 Introne, Robert  
 Kelley, Jane  
 Putnam, Ed II  
 Trueman, Raymond

DiFruscia, Anthony  
 Itse, Daniel  
 Major, Norman  
 Quandt, Marshall  
 Weyler, Kenneth

Dumaine, Dudley  
 Johnson, Robert  
 Nowe, Ronald  
 Quandt, Matthew

Hamel, Albert  
 Johnson, Rogers  
 Packard, Sherman  
 Sapareto, Frank

**STRAFFORD**

Brown, Julie  
 Snyder, Clair

Cossette, Larry  
 Woods, Phyllis

Ferland, Paul

Harrington, Michael

**SULLIVAN**

Harris, Joseph  
 and the amendment was adopted.  
 Report adopted and ordered to third reading.

Odell, Bob

Phinizey, James

**HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. **INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: The committee strongly supports a careful and thoughtful study of the nurse licensure compact for interstate reciprocity of nurses. Yet, at this juncture, we feel much more time would be needed for such a careful review to adequately and appropriately study all of its implications. By doing this in a larger time frame, New Hampshire would be able to continue the high standards that are presently in place for nurses. Vote 16-0.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 225 NAYS 88****YEAS 225****BELKNAP**

Czech, Stanley  
 Nedeau, Stephen  
 Russell, David

Flanders, Donald  
 Pilliod, James  
 Thomas, John

Holbrook, Robert  
 Rice, Thomas Jr  
 Wood, Jane

Johnson, William  
 Rosen, Ralph

**CARROLL**

Babson, David Jr  
 Patten, Betsey

Bradley, Jeb  
 Philbrick, Donald

Dickinson, Howard  
 Quimby, Lee

Mock, Henry  
 Stevens, Stanley

**CHESHIRE**

Allen, Peter  
 Dexter, Judson  
 Liebl, George  
 Pratt, Irene  
 Slack, Pamela Russell

Avery, Stephen  
 Edwards, Dana  
 Manning, Joseph  
 Pratt, John  
 Smith, Edwin

Batchelder, Robert  
 Espieffs, Peter  
 McGuirk, Paul  
 Richardson, Barbara  
 Weed, Charles

Burnham, Daniel  
 Fairbanks, Chandler  
 Meader, David  
 Roberts, William

**COOS**

Davis, Perley  
 Stohl, Eric

Guay, Lawrence  
 Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Marshall, Gene  
Solow, Martha

Almy, Susan  
Dudley, Terri  
Naro, Debra  
Ward, Brien

Barker, Robert  
Eaton, Stephanie  
Pawlek, Marion  
Williams, Burton

Benn, Bernard  
Gabler, William  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Bellavance, Paul  
Brundige, Robert  
Cote, David  
Drabinowicz, A Theresa  
Eaton, Richard  
Gargas, Carolyn  
Gorman, Mary  
Hall, Charles  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
Melcher, Harold  
Murphy, Robert  
Peterson, Andrew  
Schulze, Joan  
Thulander, O Alan

Andosca, Mary  
Bergin, Peter  
Calawa, Leon Jr  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Ginsburg, Ruth  
Goulet, Maurice  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Shaw, Barbara  
Vaillancourt, Steve

Artz, Lawrence  
Bouchard, David  
Christensen, D L Chris  
Dionne, Kimberley  
Dwyer, Paul  
Ford, Nancy  
Gleneck, David  
Graham, John  
Jean, Claudette  
Keye, Harvey  
Leach, Edward  
Martin, Mary Ellen  
Messier, Irene  
Panagopoulos, Nicholas  
Rowe, Robert  
Sweeney, Cynthia  
White, Donald

Batula, Peter  
Bragdon, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Dyer, Merton  
Furman, Christine  
Golding, William  
Hall, Betty  
Jean, Loren  
Kurk, Neal  
Leishman, Peter  
McDonough-Wallace, Alice  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob  
White, John

**MERRIMACK**

Clarke, Claire  
Feuerstein, Martin  
Hess, David  
Langer, Ray  
Reardon, Tara

Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
Lockwood, Priscilla  
Rush, Deanna

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Swindlehurst, John

Davis, Frank  
Greco, Vincent  
L'Heureux, Stephen  
Potter, Frances  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Whittier, John

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
Nowe, Ronald  
Reardon, Neil  
Shultis, Elizabeth  
Stritch, C Donald  
Zolla, William

Blanchard, MaryAnn  
Carson, Sharon  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Robertson, Carl  
Sloan, Stephen  
Varrell, Thomas

Bowles, Raimond  
Case, Margaret  
Cox, Russell  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Ruffner, Walter  
Splaine, James  
Welch, David

**STRAFFORD**

Albert, Russell  
Dunlap, Patricia  
Kaen, Naida  
Twombly, James

Berube, Roger  
Estabrook, Iris  
Reid, Christopher  
Wall, Janet

Brown, Julie  
Ferland, Paul  
Rollo, Michael  
Woodill, Rodney

Cossette, Larry  
Gilmore, Gary  
Snyder, Clair

**SULLIVAN**

Ferland, Brenda  
Phinizy, James

Jones, Constance

Leone, Richard

Odell, Bob



### NAYS 88 BELKNAP

Boyce, Laurie	Lawton, David	Wendelboe, Fran
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### CARROLL

Kenney, Joseph	Sullivan, P Judith
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### CHESHIRE

Emerson, Susan	Hunt, John	Mitchell, McKim	Zerba, Roger
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### COOS

Gallus, John
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### GRAFTON

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Mirski, Paul	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Sova, Charles	

### HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre	Buckley, Raymond
Carlson, Donald	Christiansen, Lars	Clayton, William	Clegg, Robert Jr
Craig, James	Elliott, Larry	Emerton, Lawrence Sr	Foster, Linda
Goley, Jeffrey	Guinta, Frank	Holden, Randolph	Hopper, Gary
Konys, Christine	Lefebvre, Roland	Martel, Andre	McHugh, Claire
Salts, Greg	Souza, Kathleen	Sullivan, Peter	Tate, Joan

### MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Crosby, Toni	Gile, Mary	Kennedy, Richard	Moore, Carol
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Whalley, Michael
Winter, Steven			

### ROCKINGHAM

Chalbeck, Kevin	Clark, Martha Fuller	Corbin, Corey	DiFruscia, Anthony
Introne, Robert	Itse, Daniel	Johnson, Rogers	Kane, Cecelia
Micklon, Stephanie	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth

### STRAFFORD

DeChane, Marlene	Harrington, Michael	Hughes, Christopher	Johnson, Nancy
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Spang, Judith
Woods, Phyllis			

### SULLIVAN

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
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Harris, Sandra
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and the report was adopted.

### HB 1165, establishing a committee to study issues arising from State v. Laurie. INEXPEDIENT TO LEGISLATE

Rep. John M. Pratt for Judiciary: While fully supportive of the intent of the sponsor, the Judiciary Committee concluded that the disclosure issues raised by State v. Laurie could best be handled by the court holding training sessions, working with judges, and Police Standards and Training. It is the intent of the committee that mutual training sessions could protect the personal information pertaining to law enforcement officers. If that should fail, a statute can be initiated to accomplish the intentions of the sponsor and those who testified. Nevertheless, the committee saw no need to study the issue. The committee will communicate in writing to the Chief Justice of the Superior Court and the Administrative Judge of the District Court urging this course of action. Vote 13-3. Adopted.

## PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Soltani, Hopper and Marshall Quandt requested that their protests be entered on the Journal.

The Supreme Court in *State v. Laurie* flung open the door into the private lives of police officers serving the people of New Hampshire. This vague and unprecedented decision has since been used by defendants, prisoners and some defense lawyers to engage in some perverted voyeurism into the officers' private lives and to torment these public servants and their families. Because the decision is literally incomprehensible, some members of the judiciary have become unwitting participants in this assault on our law enforcement officials because of what they perceive to be a mandate from a higher court.

It is well settled and well accepted by the law enforcement community that a criminal defendant is entitled to receive all exculpatory evidence. However, this sacred constitutional right should not be abused to peep into the personnel files of our officers where this continuing peepshow has no bearing on the culpability of the criminal defendant and only serves as a vehicle to humiliate our officers. The General Court should move to study the issue and stop further abuse of our police officers by drafting and passing clear, concise and comprehensive rules governing police officers personnel files. For these reasons, we protest the action of the House on this bill.

## REGULAR CALENDAR (CONT'D.)

### **HB 1311, relative to expunging certain mental health records. OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: The original request of the sponsor of this legislation was to have mental health records expunged from a person's medical and judicial files six months after treatment. After the public hearing and two work sessions by the subcommittee, the bill, as amended, has been recommended. The amendment allows for the judicial part of the record to be automatically expunged, which allows an individual to truthfully, under oath, state that they have never been admitted to a psychiatric facility against their will; the expungement occurs only when the involuntary emergency admission (IEA) is unfounded. However, the receiving facility shall maintain a medical record and the original petition for the IEA. The IEA is when a person is taken to a facility that provides psychiatric services against their will because a member of a community believes that the individual is in imminent danger of harming themselves or others. The third piece to this legislation is that it establishes a study committee to look at the appropriate ways to protect the medical files that have been developed as a result of the IEA. Vote 12-0.

### **Amendment (2625h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to certain mental health records and establishing a committee to study the protection of certain medical information.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Annulment of Certain Records. Amend RSA 135-C by inserting after section 31 the following new section:

135-C:31-a Annulment of Certain Records.

I. If the district court finds that the petitioner has failed to meet the burden specified in RSA 135-C:31, I, all legal documents pertaining to the petition, including the physician's or A.R.N.P.'s certificate, the complaint and the involuntary emergency admission shall be annulled.

II. Upon entry of an order of annulment:

(a) The person whose record is annulled shall be treated in all respects as if the person had never been the subject of an involuntary emergency admission.

(b) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous involuntary emergency admission only in terms such as "Have you ever been the subject of an involuntary emergency admission that has not been annulled by a court?"

2 Discharge. Amend RSA 135-C:33 to read as follows:

135-C:33 Discharge.

I. At any time during the period of involuntary emergency admission the administrator of the receiving facility or [his] designee in such facility shall discharge the person admitted if

the administrator decides that the person no longer meets the criteria established by RSA 135-C:27. If a discharge occurs, under this section or pursuant to a finding of no probable cause by the court, the receiving facility shall, with the consent of the person admitted, return such person to the place where ~~he~~ *the person* resided at the time the petition and physician's certificate were completed and signed. *Unless the discharge is pursuant to a finding of no probable cause by the court*, the receiving facility shall give notice of the discharge to the community mental health program in the region from which the person was admitted and to the community mental health program in the region to which the person is being discharged. The person discharged or ~~his~~ *the person's* guardian shall be given written notice of such action taken by the receiving facility.

*II. The petition and medical record established as a result of the involuntary emergency admission shall remain with the accepting agency.*

*III.* The receiving facility shall either arrange the transportation within 24 hours of such notice or shall be liable for the cost of such transportation.

3 Committee Established. There is established a committee to study the protection from subpoena of all medical information obtained as a result of an involuntary emergency admission which has been annulled by the court.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house judiciary committee, appointed by the chair of such committee.

(b) Five members of the senate judiciary committee, appointed by the chair of such committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall obtain information from all parties concerning the impact of protecting from subpoena or any other access, medical records obtained as a result of an involuntary emergency admission which has been annulled. The committee shall invite comment from the psychiatric community, administrators at New Hampshire hospital, New Hampshire Legal Assistance, advocates for the mentally ill, and other interested parties.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a procedure for the annulment of certain medical records. The bill also establishes a committee to study the protection from subpoena of all medical information obtained as a result of an involuntary emergency admission which has been annulled by the court.

Adopted.

Rep. Manning spoke against.

Rep. Loren Jean spoke in favor.

Report adopted and ordered to third reading.

## AMENDMENT TO HOUSE RULE 64

Rep. Herman moved that House Rule 64 be amended by inserting after the Thursday, March 7, 2002 deadline the following:

Thursday, March 21, 2002

Thursday, April 18, 2002

Thursday, April 25, 2002

Last day to introduce Senate bills

Last day to act on Senate bills

Last day to form committees of conference.

Rep. Herman spoke in favor.

Adopted.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 6, 2002 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1153**, establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

**HB 1166**, relative to alcoholic product advertising.

**HB 1167**, permitting wine manufacturers to sell their products at farmers' markets.

**HB 1220**, relative to assisted living residences and housing for older persons.

**HB 1336-FN**, permitting wine manufacturers to be issued restaurant licenses.

**HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers.

**HB 1108**, relative to administrative license suspension hearings.

**HB 1137**, relative to the crime of resisting arrest.

**HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

**HB 1285**, relative to the applicability of the stalking statute to minors.

**HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted.

**HB 1356-FN**, establishing the criminal offense of felony pursuit.

**HB 1281-FN**, establishing a commission to study public educational choice initiatives.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

**HB 1171**, relative to organic food production.

**HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees.

**HB 1377**, relative to the regulation of physical therapists.

**SB 347**, establishing a study committee on public building access and the disabled.

**HB 1156**, relative to the issuance of building permits on private roads.

**HB 1215**, relative to county delegations.

**HB 1254**, relative to the budget preparation procedures of municipalities.

**HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards.

**HB 1288**, relative to regular meetings of local planning boards.

**HB 1247**, establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

**HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program.

**HB 1444**, requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

**HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee.

**HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

**HB 1442**, relative to eligibility for special number plates for former prisoners of war.

**HB 1414-FN-A-L**, relative to taxation of excavation areas.

**HB 1451-FN-A**, , implementing the Mobile Telecommunications Sourcing Act.

**HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances.

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders.

**HB 1328**, defining instructional time in public elementary and secondary schools.

**HB 380**, apportioning county commissioner districts.

**HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services.

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor.

**HB 592-FN-A**, relative to a milfoil and other exotic aquatic plants prevention program.

**HB 1405**, relative to the Memorial Day holiday.

**HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone.

**HB 1311**, relative to certain mental health records and establishing a committee to study the protection of certain medical information.

### PERSONAL PRIVILEGE

Rep. Jacobson addressed the House.

Rep. Soltani moved that Rep. Jacobson's remarks be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you, Mr. Speaker. Sometime ago in the *Union Leader*, I wrote an article that related to the impeachment proceedings and to the Senate trial. In that article I had said what I had witnessed was that some members of the bar were actively engaged in seeking to make sure that the Chief Justice David Brock would be exonerated from the charges. Sometime after that there appeared in an article in the *Concord Monitor* by Gregory Robbins, an attorney, and he charged me with first, making a blatantly false statement and then he went on to say that the bar had deliberately distanced itself from the trial and from the impeachment proceedings. I did some more research, wrote an article and sent it in. The editor of the *Concord Monitor* refused to publish it. So I asked the editor and he said, well, he didn't want to be bothered anymore with the issue. Apparently, the *Monitor's* proclivity for preserving error outweighed the regard for accuracy. You know, the *Monitor* makes a lot of mistakes. I have here a picture that appeared on the front page of the *Concord Monitor* and in the picture is one of the best known Republican members of the House. Guess how that member is described. Democrat. They commonly misspell my name but be that as it may, in any event I did further research on the issue and I could not find in the New Hampshire Bar News any discussion about the bar deliberately distancing itself from those proceedings. What I did find was a plethora of information, most of it highly negative, attacking this House for having the proceedings in the first place.

Now, just let me take that one issue and show you a few indications. For example, there's an article in the September 8, 2000 on pages 12 and 13 where it says that this House is characterized by frenzy and hysteria. Now, I don't have any recollection of that at all. And then it goes on and says that the House made a spectacle of the justices parading and humbling them as though they were prisoners in the dock. That the evidence before the House was especially contradictory, ambivalent and equivocal. That the charges against Justice Brock by the House were hollow and misbegotten demonstrably grounded on inadequate causes. Now, that's just one example. If that is being deliberately distancing oneself or the bar from any participation, then I have to say that I'm totally confused. As I read through this material, I discovered that I was attacked by another member of the bar in the New Hampshire Bar News and I began to think to myself, "Why should a mite of a little country boy become an issue in the New Hampshire Bar News?" In any event, I was charged with two untruths. One, that I had said that the bar was opposed to the reform of Part II, Article 73a which as you know passed the Senate yesterday 19 to 4, passed this House by an 86%. Well, one of the principal authors of the anti-article resolution was in fact this lawyer, Peter Hutchins. I admit that I said that but it certainly is not untrue. Then, he went on to say, and I'd like to quote this, he attacked me because I said secrecy was one of the characteristics of the court system and that the bar has supported the court in these actions. Now, I have been a strong supporter of the court in terms of its decisional, but I strongly believe that secrecy has been a problem. Let me give you just one illustration. Last term a man from the administrative committee of the supreme court came before us and in the course of the conversation he was asked whether these committee meetings are open and he said "yes" and he specifically invited me to come to the meetings. A few days

later he came back and apologized. He said, "I was mistaken. The meetings are secret and Rep. Jacobson can't come." So, all I wanted to do was explain my position on this issue and I thank you for listening.

### UNANIMOUS CONSENT

Reps. Scanlan, Jacobson, Foster, Stephanie Eaton and Mirski addressed the House.

### REMARKS

Without objection, the Speaker ordered the remarks of Rep. Jacobson to be printed in the Journal. Rep. Jacobson: I apologize for coming a second time today but today is D-2 Day, 57 years ago on Iwo Jima, and as all of you know, I want to remember my fellow Marines who gave their lives on Iwo Jima that all of us may have liberty and freedom to live our lives. Thank you very much.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only. Adopted.

The House recessed at 4:45 p.m.

### RECESS

(Rep. Vaillancourt in the Chair)

### RESOLUTION

Rep. Elliott offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 112, 140, 187, 302, 309, 314, 315, 316, 321, 332, 334, 336, 337, 338, 339, 343, 345, 348, 350, 354, 358, 360, 370, 371, 372, 381, 388, 391, 393, 396, 402, 403, 404, 406, 408, 409, 412, 415, 418, 420, 422, 423, 426, 429, 430, 434 and Constitutional Amendment Concurrent Resolution 33 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 112**, relative to election day registration. (Election Law)

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches. (Finance)

**SB 187-FN**, establishing a committee to study eminent domain proceedings. (Judiciary)

**SB 302**, relative to privacy in the relationship between financial institutions and customers. (Commerce)

**SB 309-FN**, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. (Executive Departments and Administration)

**SB 314-FN**, relative to Selective Service Act Compliance through driver's license applications. (Transportation)

**SB 315-FN**, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. (Resources, Recreation and Development)

**SB 316**, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions. (Public Works and Highways)

**SB 321-L**, clarifying the right to public education for children of homeless families. (Education)

**SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. (Executive Departments and Administration)

**SB 334**, relative to grounds for refusal or denial of hotel accommodations. (Commerce)

**SB 336**, relative to disclosure of political contributions and expenditures. (Election Law)

**SB 337**, relative to consent orders in abuse and neglect cases. (Children and Family Law)

**SB 338**, relative to ex parte orders in domestic relations cases. (Children and Family Law)

**SB 339**, relative to approval of contingent fee agreements by the courts. (Judiciary)

**SB 343-FN**, relative to appeals in actions against tenants. (Judiciary)

**SB 345**, making the misrepresentation of the geographic location of a business a violation of the consumer protection act. (Commerce)

**SB 348**, relative to the retail pricing of beer. (Commerce)

**SB 350-FN-A**, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton. (Ways and Means)

**SB 354**, authorizing foster parents to act as surrogate parents for educationally disabled children. (Education)

**SB 358**, relative to the authority to assess administrative fines to ophthalmic dispensers. (Executive Departments and Administration)

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants. (Criminal Justice and Public Safety)

**SB 370**, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. (Commerce)

**SB 371-FN**, relative to the regulation of manufactured housing parks. (Commerce)

**SB 372**, prohibiting the sale of reformulated gasoline in certain counties of the state. (Science Technology and Energy)

**SB 381**, relative to the employee benefits of employees of the Pease development authority. (Labor, Industrial and Rehabilitative Services)

**SB 388**, relative to bingo game operation. (Ways and Means)

**SB 391-FN**, relative to appeals from the compensation appeals board. (Judiciary)

**SB 393**, relative to expiration of contact lens and corrective lens prescriptions. (Health, Human Services and Elderly Affairs)

**SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety. (Executive Departments and Administration)

**SB 402-FN-A**, establishing a committee to study long-term care funding and making an appropriation therefor. (Commerce)

**SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. (Transportation)

**SB 404**, changing certain limitations on investment management fees and investments by banks acting as fiduciaries. (Commerce)

**SB 406**, relative to animal control and animal population control fees for cats. (Municipal and County Government)

**SB 408**, governing records management of abuse or neglect reports. (Children and Family Law)

**SB 409**, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry. (Children and Family Law)

**SB 412**, relative to the licensure of dietitians. (Executive Departments and Administration)

**SB 415**, relative to the severing of joint tenancies in property by divorce. (Children and Family Law)

**SB 418-FN**, relative to unemployment compensation. (Labor, Industrial and Rehabilitative Services)

**SB 420-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift investigator. (Executive Departments and Administration)

**SB 422-FN**, relative to the insurance laws. (Commerce)

**SB 423-FN-A**, relative to fees collected by the department of safety and certificates of title. (Ways and Means)

**SB 426**, relative to the use of force by persons entrusted with the care of minors in child care settings. (Children and Family Law)

**SB 429**, relative to the community technical college system. (Education)

**SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption. (Municipal and County Government)

**SB 434**, establishing the duties of the fish and game commission. (Fish and Game)

**CACR 33**, relating to procedure for nomination of judges. Providing that the governor shall nominate judges from persons selected by an independent commission whose composition shall be determined by the legislature. (Judiciary)

## SENATE MESSAGE

### CONCURRENCE

**HB 1110**, relative to the sale of ferrets.

**HB 285-FN-L**, relative to the adoption of a state building code.

**ENROLLED BILL AMENDMENT**

**HB 285-FN-L**, relative to the adoption of a state building code.

**Amendment (2852-EBA)**

Amend line 3 of RSA 155-A:4 as inserted by section 3 of the bill by replacing it with the following:  
signed by the board of selectmen, after its due consideration of any written recommendations of  
Amend line 2 of RSA 155-A:10, V as inserted by section 3 of the bill by replacing it with the following:

codes described in RSA 155-A:1, IV, to the extent the board deems that such updates or changes are  
Amend line 1 of section 5 of the bill by replacing it with the following:

5 Modular Housing; State Building Code. RSA 205-C:1, II is repealed and reenacted to read as  
Amend line 5 of section 7 by replacing with the following:

administered and approved by the state building code review board under RSA 155-A;

Adopted.

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 8

March 6, 2002

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, The Reverend David P. Jones, Rector of Saint Paul's Episcopal Church in Concord.

Gracious God of endless artistry, craft, shape and mold our lives this day into instruments of balanced integrity that we may preserve what is good, protect what is vulnerable and move bravely beyond anything that hinders us from building new and lively possibilities for the people of New Hampshire. Amen

Rep. Kevin Camm led the Pledge of Allegiance.

The National Anthem was sung by Sara VanGorden, Shannon Urquhart and Eustacia Dukette-Fields, students from Franklin High School.

### LEAVES OF ABSENCE

Reps. Arnold, DePecol, Flanagan, Fletcher, William Kelley, Lefebvre, Perkins and Royce, the day, illness.

Reps. Bergin, Corbin, Donald Flanders, Flora, Marilyn Fraser, Heon, Karen Hutchinson, LaFlamme, Mears, Mirski, Rozek, Schulze, Seibel, Soltani, Torressen, Twombly and Donald White, the day, important business.

Rep. Brown, the day, illness in the family.

Reps. Lasky and Naro, the day, death in the family.

### INTRODUCTION OF GUESTS

Wayne and Sue VanGorden, Janine Urquhart, Gloria Dukette and Michael Fields, and Pat Trader guests of the Speaker. Ruth Owen and Asami Shimoda, wife and guest of Rep. Owen. Ann Slack, guest of Rep. Slack. Tom Gillick, guest of Reps. O'Neil, Bridle, Francoeur, Jane Kelley and Saia. Danielle Richey, Kerry Marsh, Jon Simons and Marc Tardiff, guests of Rep. Weed. Helen Fenske, guest of Rep. Betty Hall.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1429**, relative to the scope of the consumer protection act, removed by Rep. McGuirk.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services, removed by Rep. Welch.

**HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission, removed by Rep. Harrington.

**HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election, removed by Rep. Gilmore.

Consent Calendar adopted.

**HB 1299-FN**, relative to premarital preparation courses. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Claire B. McHugh for Children and Family Law: The amendment changes this bill to a study. The intent of this bill is to provide couples with the skills to enjoy a satisfying and successful marriage. It is critical that people learn skills to improve communication, conflict resolution and understanding of financial responsibilities and dynamics. Couples can learn skills to sort things out. Research during the past twelve years gives hope even to marriages in crisis. Successful couples have the same number of disagreements as couples who divorce, and they argue about the same issues. The difference is how they handle their differences. They refrain from putdowns, silent treatments, withdrawal and invalidation. It's important that as a society we view marriage as worth-

while, not just weddings that cost an average of \$16,000, and only last one day. Curricula are already in place to teach juniors and seniors in high school these skills as well as for couples applying for a marriage license. The study will focus on these issues. Vote 13-0.

### **Amendment (2740h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the creation of a marriage education and enhancement program.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the creation of a marriage education and enhancement program.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I. The committee shall study the creation of a marriage education and enhancement program including:

(a) Curriculum and certification requirements for premarital preparation courses.

(b) The possibility of requiring a family and consumer education skills course as a public high school graduation requirement.

(c) Funding mechanisms for the administration and operation of the premarital preparation courses and family and consumer education skills courses.

(d) An assessment of premarital and marriage education programs in other states as a means of determining the best way to structure, operate, and fund a similar program in New Hampshire.

II. The committee may solicit information from individuals and organizations with expertise in various aspects of the committee's study including but not limited to:

(a) Town clerks.

(b) The state board of education.

(c) The state department of education.

(d) The New Hampshire Coalition Against Domestic and Sexual Violence.

(e) The university of New Hampshire department of family studies, department of education, and cooperative extension.

(f) Potential premarital course providers, such as licensed psychologists, social workers, marriage and family therapists, mental health counselors, representatives of religious organizations, school counselors, qualified family-consumer science professionals, and lay marriage educators who have completed the Prevention and Relationship Enhancement Program, the Marriage Savers Program, or their equivalent.

(g) The department of health and human services.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a study committee to assess the means of implementing, operating, and funding a marriage education program including premarital preparation courses.

**HB 1201**, relative to charitable trust customer data. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Paul D. Spiess for Commerce: It is common practice for certain charitable organizations to engage private contractors to solicit donations for the organization. This bill insures that the chari-

table trust(s), which pay for these services, shall have access to the donor list data developed by the solicitor both during and after the campaign. The Commerce Committee believes that if a company is paid to develop a donor list, then the resulting data is the property of the contracting entity and the information must be made available upon request. Vote 15-0.

#### **Amendment (2683h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Donor List. Amend RSA 7:28-c, V by inserting after subparagraph (d) the following new subparagraph:

(e) The paid solicitor shall provide the charitable trust with access to and use of the donor list data base both during and after the solicitation campaign.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires a paid solicitor to provide a charitable trust with access to and use of the donor list during and after a solicitation campaign.

**HB 1203**, relative to retroactive health insurance denials. **OUGHT TO PASS WITH AMENDMENT** Rep. Leo W. Fraser, Jr. for Commerce: Historically, health insurers who had, for any number of reasons, sought to recover from providers payments mistakenly made could do so for any length of time. Testimony at the public hearing disclosed that one company had gone back five years, and the hospital had to return \$750,000 (estimate) in payments. It was clear that with the advent of information technology not having time limits for these revenues was no longer appropriate. HB 1203 addresses these concerns. This legislation now before us offers several items. First of all, the insurer who mistakenly makes the payment now has one year in which to request a retroactive recovery. Further, this insurer must give 30 days notice in advance to the provider that it will be requesting recovery. Secondly, the provider has six months from the date of notice in which to make a claim against another insurer, if indeed they determine there is another company. Thirdly, there is contained within the amended version several exceptions to the one year rule, such as if duplicate payments, fraud, or claims being subject to legal proceedings or the claim was covered by a federal or a state program. Vote 13-0.

#### **Amendment (2796h)**

Amend RSA 415:6-i, II and III as inserted by section 1 of the bill by replacing it with the following:

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the insurer requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The health care provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the insurer;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other ap-

propriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 415:18-m, II and III as inserted by section 2 of the bill by replacing it with the following:

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the insurer requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The health care provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the insurer;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 420-A:17-e, II and III as inserted by section 3 of the bill by replacing it with the following:

II. No health service corporation shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The corporation has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has lapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the corporation requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The physician/provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the health service corporation;

(3) The health care services identified in the claim were not delivered by the physician/provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. A health service corporation shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured

has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health service corporation and provider, the health service corporation shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 420-J:8-b. II and III as inserted by section 4 of the bill by replacing it with the following:

II. No health carrier shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The carrier has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the carrier requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the health carrier;

(3) The health care services identified in the claim were not delivered by the physicians/provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. A health carrier shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health carrier and provider, the health carrier shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

#### **HB 1208, relative to real estate broker liens. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The broker lien law, if adopted, would help to create a more level playing field for approximately 300 commercial real estate brokers here in New Hampshire. These brokers provide a vital service to New Hampshire businesses and businesses relocating to New Hampshire. Most of the time, commercial brokers, who are frequently independent contractors, have excellent relationships with the property owners they represent. However, upon occasion, the landlords or property owners use our current laws to deny a commercial broker compensation that has been agreed to for services already provided. The only recourse today is to institute legal proceedings against the owner. The problem is the property owner frequently has the property as his or her only asset. The broker is given a choice- accepting a greatly reduced payment or go to court. Neither alternative was acceptable to the Commerce Committee so that the provision of HB 1208 as amended was accepted unanimously by the committee. If this legislation is adopted, a lien can be placed on the property before closing so that the brokers' fee is fully protected. Vote 15-0.

#### **Amendment (2746h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Commercial Real Estate Broker Lien. Amend RSA by inserting after chapter 447 the following new chapter:

#### **CHAPTER 447-A**

#### **COMMERCIAL REAL ESTATE BROKER LIEN**

447-A:1 Definitions. In this chapter:

I. "Commercial real estate" means any real estate other than real estate containing one to 4 residential units.

II. "Principal broker" means the individual broker, including the broker designated by a corporation, partnership or association, whom the New Hampshire real estate commission holds responsible for the action of licensees who are assigned to such individual broker.

III. "Real estate" means and includes leaseholds or any other interests or estates in land and business opportunities which involve any interest in real estate. It also includes the sale and resale of time-share developments and manufactured housing parks.

447-A:2 Principal Broker's Lien. If a principal broker is entitled to a fee, commission, or property management fee pursuant to a written contract signed by the owner, buyer, or tenant of commercial real estate, or the owner's, buyer's, or tenant's duly authorized agent, pertaining to the sale or lease of said commercial real estate, then the principal broker shall have the right to record a notice of lien in the amount of the fee, commission, or property management fee.

447-A:3 How Secured. Any principal broker's notice of lien shall be recorded at the registry of deeds in the county where the property is located. In the case of a sale, where the principal broker claims a fee or commission against the seller, the notice of lien shall be recorded prior to the recording of the deed conveying or transferring title to the commercial real estate from seller to purchaser. If the commission is payable by the purchaser, the notice of lien shall be recorded within 90 days of the recording of the deed conveying title to the property, but must be recorded prior to the recording of a deed conveying that purchaser's title to the property to a bona fide purchaser for value.

447-A:4 Attachment. The notice of lien under this chapter shall attach to the commercial real estate or any interest in the commercial real estate upon:

I. The principal broker being otherwise entitled to a fee or commission under a written instrument signed by the duly authorized owner, buyer, tenant or his or her respective agent, as applicable; and

II. Except as provided in paragraphs III-VI, the principal broker recording a notice of lien in the registry of deeds of the county in which the real property or any interest in the real property is located, prior to the actual conveyance or transfer of legal title to the commercial real estate against which the principal broker is claiming a lien by the party from which the principal broker claims its fee.

III. Except as provided in paragraphs IV-VI, when payment to a principal broker is due in installments, a portion of which is due after the conveyance or transfer of the commercial real estate, any notice of lien for those payments due after the transfer or conveyance may be recorded at any time which is subsequent to the transfer or conveyance of the commercial real estate and which time is within 90 days of the date on which the payment is due. However, such notice of lien shall only be effective as a notice of lien against the transferor's interest in the commercial real estate to the extent moneys are still owed to the transferor by the transferee. A single notice of lien recorded prior to transfer or conveyance of the commercial real estate claiming all moneys due under an installment payment agreement shall be valid and enforceable as it pertains to payments due after the transfer or conveyance; provided, however, that as payments or partial payments of commission are received, the principal broker shall provide partial releases therefor, thereby reducing the amount due the principal broker under its notice of lien.

IV. In the case of a lease, including a sublease or assignment of lease, the notice of lien shall be recorded not later than 90 days after the tenant takes possession of the leased premises.

V. If a principal broker may be due future commissions pursuant to a written agreement signed by the then owner, buyer, or tenant either as a result of future actions, including but not limited to the exercise of an option or other right to expand the leased premises, renew or extend a lease, or purchase the property, or otherwise, the principal broker may record its notice of lien at any time after execution of the lease or other written instrument which contains such an option, but not later than 90 days after the event or occurrence on which the future commission is claimed occurs. Notwithstanding paragraph VIII, an action to enforce a lien to collect future commissions shall be commenced within 2 years of the occurrence or transaction on which the future commission is claimed.

VI. In the event that the property is sold or otherwise conveyed prior to the date on which a future commission is due, if the principal broker has filed a valid notice of lien prior to the sale or other conveyance of the property, then the purchaser or transferee shall be deemed to have notice of and shall take title to the property subject to the notice of lien; provided, however, that if a principal broker claiming a future commission fails to record its notice of lien for future commis-

sion prior to the recording of a deed conveying legal title to the property to the purchaser or transferee, then such principal broker may not claim a lien on the property. The provisions of this paragraph shall not limit or otherwise affect claims or defenses a principal broker, owner, or any other party may have on any other basis, in law or in equity.

VII. If a principal broker has a written agreement with a prospective buyer or tenant as described in RSA 447-A:2, then the notice of lien shall attach upon both the prospective buyer or tenant purchasing or leasing or otherwise accepting a conveyance or transfer of the commercial real estate or an interest therein and the recording of a notice of lien by the principal broker in the registry of deeds of the county in which the real property is located, within 90 days after the purchase or other conveyance or transfer to the buyer or tenant.

VIII. The principal broker shall, within 10 days of recording its notice of lien, either mail a copy of the notice of lien to the owner of record on the commercial real estate by registered or certified mail, return receipt requested, or the agent of the owner of record at the address of the owner stated in the written instrument on which the notice of lien is based, or if no such address is given, then to the address of the property on which the notice of lien is based. If the notice of lien is recorded within 10 days prior to closing, the principal broker is not required to mail a copy of the notice of lien. Mailing of the copy of the notice of lien is effective when deposited in the United States mailbox with postage prepaid. The broker's lien shall be unenforceable if mailing or service of the copy of notice of lien does not occur at the time and in the manner required by this paragraph.

IX. (a) A principal broker may bring suit to enforce a lien in the superior court in the county where the property is located by filing a writ and sworn affidavit that the notice of lien has been recorded.

(b) The principal broker claiming a lien shall, within 2 years after recording the notice of lien, commence proceedings by filing a writ. Failure to commence proceedings as required herein within 2 years after recording the notice of lien shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this chapter.

(c) If a notice of lien has been recorded against commercial real estate, then either the owner or the authorized agent of the owner of the commercial real estate or the interest therein against which the notice of lien is asserted, may serve a written demand upon the principal broker by certified mail, return receipt requested. This demand may require the principal broker to file a writ and commence litigation based on the notice of lien within 30 days of the principal broker's receipt of the demand. If the principal broker fails to file a writ and commence litigation based on the notice of lien within this 30-day period, then the notice of lien shall be deemed extinguished as a matter of law. In the event the notice of lien and the principal broker's rights under the notice of lien are extinguished in the manner described in this paragraph, this shall not have any effect on any other rights of the principal broker to claim the commission in law or in equity.

(d) A principal broker claiming a lien based upon an option or other right to purchase or lease shall, within 2 years after the transfer or conveyance of the commercial real estate under the exercise of the option to purchase or lease, commence proceedings by filing a writ. Failure to commence proceedings within this time shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this chapter.

(e) A writ under this section shall contain a brief statement of the contract or instrument on which the notice of lien is founded, the date when the contract or instrument was made, a description of the services performed, the amount due and unpaid, a description of the property that is subject to the claimed lien, and other facts necessary for a full understanding of the rights of the parties. The plaintiff shall make all interested parties, of whose interest the plaintiff is notified or has knowledge, defendants to the action, and shall issue summons and provide service as in other civil actions. When any defendant resides or has gone out of the state, or on inquiry cannot be found, or is concealed within the state so that process cannot be served on that defendant, the plaintiff shall cause a notice by publication in a newspaper of statewide publication. Failure of the plaintiff to provide proper summons or notice shall be grounds for judgment against the plaintiff and in favor of the defendant who is not properly served with summons or notice with prejudice.

X. The notice of lien shall state the name of the claimant, the name of the owner, a legal description of the property upon which the lien is being claimed, the amount for which the lien is claimed, and the real estate broker's license number of the broker. The notice of lien shall recite

that the information contained in the notice is true and accurate to the knowledge of the signator. The notice of lien shall be signed by the broker or by a person authorized to sign on behalf of the principal broker and shall be verified under oath.

XI. Whenever a notice of lien has been filed in the registry of deeds and a condition occurs that would preclude the broker from receiving compensation under the terms of the written agreement on which the notice of lien is based, the principal broker shall provide to the owner of record, within 10 days following written demand by the owner of record, a recorded written release or satisfaction of the notice of lien.

XII. If the principal broker and the party or parties from whom the commission is claimed agree to alternative dispute resolution ("ADR"), the claim shall be heard and resolved in the forum on which these parties have agreed. The court before which the legal proceeding is brought shall retain jurisdiction to enter judgment on the award or other result made or reached on ADR on all parties to the foreclosure. The broker's notice of lien shall remain of record and the legal proceeding shall be stayed during the pendency of the ADR process.

XIII. The cost of proceedings brought under this chapter including reasonable attorneys' fees, costs, and prejudgment interest due to the prevailing party shall be borne by the non-prevailing party. When more than one party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court or ADR tribunal among those responsible parties.

XIV. Except for a waiver or release of lien provided in consideration of payment of the fee claimed by the broker, any waiver of a principal broker's right to lien commercial property under this statute, any other waiver or release of lien shall be void.

447-A:5 Priority. Notwithstanding any other provision of law, no principal broker's lien shall be valid until the date of its recording in the registry of deeds in which the real estate against the lien is sought is located, even if the right to such lien arose prior to the date of such recording. Valid prior recorded liens, valid prior recorded mortgages, valid prior recorded encumbrances and all other valid prior recorded interests of any sort or nature whatsoever shall have priority over a principal broker's lien. In no event shall the priority of a recorded principal broker's lien be deemed to relate back to a time and date prior to the actual time and date of recording of such principal broker's lien, even if the right to such lien arose at a prior time and date. Prior recorded liens, liens for ad valorem taxes, mortgages, encumbrances, and other similar interests that have priority over a principal broker's lien shall include, without limitation:

I. A mechanic's lien claim that is recorded subsequent to the principal broker's notice of lien but which relates back to a date prior to the recording date of the principal broker's notice of lien.

II. Prior recorded mortgages of all types, including prior recorded mortgages that secure lines of credit, including without limitation revolving credit lines or future advances, or both.

III. Prior recorded construction mortgages securing construction loans;

IV. Prior recorded UCC financing statements.

V. UCC financing statements recorded after the date of the recording of the principal broker's lien if such UCC financing statements would be entitled to priority over prior recorded UCC financing statements under RSA 382-A.

VI. Prior recorded leases or notices of lease, or both.

VII. Any and all prior recorded liens, encumbrances, or other interests in real estate of any sort or nature.

447-A:6 Escrow of Disputed Amounts.

I. Whenever a notice of lien securing a principal broker's lien has been filed with the registry of deeds, an escrow account may be established from the proceeds of the sale of the commercial real estate in an amount equal to the amount of the notice of lien. The option to establish an escrow account, as provided for in this section, shall not be cause for any party to the real estate transaction to refuse to close the sale of the commercial real estate. The escrowed funds shall be held in escrow until the parties' rights to the escrowed moneys have been determined by written agreement of the parties, by a court of law, or by any other process as may be agreed to by the parties for resolution of their dispute. Upon the escrow of funds in the amount of the claimed lien, the lien or claim of lien shall be automatically dissolved, and a release of the notice of lien shall be provided by the principal broker and recorded forthwith at the registry of deeds in the county where the real estate is located. Once the principal broker has provided the release, the principal broker who has claimed a notice of lien and provided such release shall have an equitable lien on the funds which were or shall be held in escrow.



II. The parties are not required to follow this escrow procedure if alternative procedures which would allow the transaction to close are available and are acceptable to the transferee, the transferor, and the principal broker in the transaction. If the proceeds from the transaction are insufficient to release all liens claimed against the commercial real estate, including the principal broker's notice of lien, then the parties are not required to follow this escrow procedure.

447-A:7 Discharge of Lien.

I. Except as provided in RSA 447-A:6, when the lien of a principal broker is satisfied, the principal broker shall cause a discharge of the lien to be recorded within 10 days after such lien is satisfied in the registry of deeds of the county in which the commercial real estate is located.

II. If a principal broker fails to provide a release of the lien within 60 days from receipt of payment of the lien in accordance with the payoff statement furnished to the owner by the principal broker, an attorney licensed to practice in the state of New Hampshire, may, on behalf of the owner of the commercial real estate or interest therein which is subject to the principal broker's notice of lien, or the owner's executor, administrator, assignee, transferee, or other successor in title, execute and cause to be recorded in the registry of deeds in which the notice of lien is recorded, an affidavit which states that:

(a) The affiant is an attorney in good standing and licensed to practice in the state of New Hampshire.

(b) The affidavit is made on behalf of, and at the request of the owner, or the owner's executor, administrator, assignee, transferee, or other successor in title.

(c) The principal broker has provided a payoff statement with respect to the lien secured by the notice of lien.

(d) The affiant has ascertained that the principal broker has received payment of the lien secured by the notice of lien in accordance with the payoff statement, as evidenced by a bank check, certified check, or attorney's clients' funds account check which has been negotiated by the principal broker and bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment by the principal broker.

(e) More than 60 days have elapsed since such payment was received by the Principal Broker;

(f) The affiant has given the principal broker at least 15 days notice in writing by certified mail, return receipt requested sent to the principal broker's last known address, of intention to execute and cause to be recorded an affidavit in accordance with this section, together with a copy of the proposed affidavit; and the principal broker has not delivered a release of lien in response to such notification and the owner has complied with any request made by the principal broker for additional payment at least 15 days prior to the date of the affidavit.

III. The affidavit shall include the names and addresses of both the owner and the principal broker, the date of the notice of lien, and the title reference.

IV. The affiant shall attach to the affidavit the following, certifying that each is a true copy of the original document:

(a) Photostatic copies of the documentary evidence that payment has been received by the principal broker, including the principal broker's endorsement of any bank check, certified check, or attorney's clients' funds account check; and

(b) A photostatic copy of the payoff statement.

V. The affidavit when recorded, shall constitute a discharge of the notice of lien and a release of the lien created by the notice of lien on the premises.

VI. Any person who causes an affidavit to be recorded in accordance with this section, knowing the information and statements contained in the affidavit to be false, shall be guilty of false swearing pursuant to RSA 641:2.

VII. In this section, the term "payoff statement" means a written statement of the amount of the unpaid balance on the lien, including principal, interest, and other charges properly assessed pursuant to the principal broker's claim for notice of lien.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a filing and enforcement procedure for commercial real estate broker lien.

**HB 1225**, relative to disclosure of referral restrictions. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The committee believes that health insurance companies must explain to subscribers in writing any referral restrictions. The explanation of benefits

section shall include a general statement regarding the existence of physician hospital organizations within the insurer network, to which primary care providers may be associated. The bill is consumer friendly. Vote 11-0.

**HB 1289**, relative to personal health and financial information privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill, if adopted, would address issues relative to confidentiality of non-public personal health and financial information about consumers. The bill would be quite similar to rules implemented by the New Hampshire Insurance Department in 2001. The health insurers are currently striving to come into compliance. Further, the committee learned that the Health and Human Services Committee is dealing with the same issue. Vote 11-1.

**HB 1413**, relative to disclosure of information by hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill is a follow-up to RSA 151:31 and RSA 151-C: 2, relative to reporting requirements of hospitals to the attorney general. This proposed legislation would clarify in greater detail those issues that are the subject of the report. The attorney general in turn is required to make an annual report to the House Speaker, Senate President and chairs of the respective committees of both the House and Senate that have jurisdiction of commerce and health issues. The amendment would allow the submitting party to request that certain information contained in the report be considered confidential and not subject to public disclosure. The second part of the amendment would no longer require the submitting hospital to report on an affiliated hospital, as the affiliated hospital is required to report as well. Vote 12-0.

**Amendment (2768h)**

Amend RSA 151:31, IV as inserted by section 1 of the bill by replacing it with the following:

*IV. Subject to the provisions of paragraph V, the attorney general shall make an annual report disclosing all information required under this subdivision to the speaker of the house of representatives, the president of the senate, and the chairs of the respective committees of the house and senate that have jurisdiction on commerce and health issues.*

Amend RSA 151:31 as inserted by section 1 of the bill by inserting after RSA 151:31, V the following new paragraph:

VI. Notwithstanding paragraph I(b) of this section, nothing in this section shall require a hospital to furnish information with respect to another hospital that is also required to report under this section.

**HB 1255-FN**, relative to an extended term license to carry a concealed firearm. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was intended to make it easier for gun collectors to purchase firearms at gun shows by creating an "extended term" license to carry a concealed weapon. Under the conditions imposed in this bill, the applicant would be required to submit to a criminal history record check and a protective order check conducted by the Department of Safety. This "background check" complies with the federal exemption as a state permit type not requiring record checks at time of purchase of a firearm. The committee feels, however, that the unintended consequence of this bill is that it creates a "lifetime" permit to carry a concealed weapon and takes away local control. Vote 12-1.

**HB 1421-FN-A**, relative to criminal extradition expenses and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. William J. Kelley for Criminal Justice and Public Safety: This bill would establish a county extradition account in each county and appropriate \$100,000 to each county to pay for expenses related to the extradition of fugitives from justice. Funding for these accounts would have come from forfeited bail money. The committee has learned that those monies may have been allocated for another purpose. The committee would like to study this matter further to determine whether or not there is a financial problem in the counties that needs to be fixed by the state. Vote 12-0.

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This is a bill intended to get DWI offenders into treatment at the earliest possible moment. All the studies available show that the

sooner treatment begins after offense/conviction, the greater the possibility that it will achieve the desired effect. Currently an offender will often delay his/her entry into treatment and completion of the treatment program until the end of the revocation period, often a period of several years. HB 1436 addresses this issue by requiring that the offender complete the required treatment program within the first half of the revocation period. Failure to complete the program in the first half of the revocation period will result in an additional period of revocation added to the sentence equal to one half of the original period of revocation. Thus an offender who enters and completes his/her treatment program within the first half of the revocation period will be eligible for reinstatement at the end of the ordered period of revocation. An offender who fails to enter and complete the program within the first half of the revocation period will serve a period of revocation equal to 150% of the original period of revocation. The committee feels that early intervention and treatment is the best way to reduce the number of repeat offenders. Vote 14-0.

#### Amendment (2679h)

Amend RSA 265:82-b, II(a)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years. *The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:*

(A) *The full period of revocation has passed; or*

(B) *At least ½ the period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the center.*

Amend the bill by replacing section 4 with the following:

4 Penalties for Intoxication or Under Influence of Drugs Offenses; Third and Subsequent Offenses. Amend RSA 265:82-b, II(b)-(d) to read as follows:

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 263:65-a and all other requirements under law are met. *The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:*

(A) *The full minimum period of revocation has passed; or*

(B) *At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.*

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to ~~[imprisonment for a period of]~~ not less than 30 consecutive *days of which 23 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 172-B:2-b, and the person shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored. The person shall serve the 7 consecutive 24-hour periods at the state-operated 7-day multiple DWI offender intervention detention center after the person has completed the residential treatment program or substance abuse treatment course.*

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a felony, and the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years. *The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:*

*(1) The full minimum period of revocation has passed; or*

*(2) At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.*

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years. *The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:*

*(1) The full minimum period of revocation has passed; or*

*(2) At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.*

Amend the bill by replacing section 6 with the following:

6 Penalties for Intoxication or Under Influence of Drugs Offenses; Persons With Prior Convictions. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense. *The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:*

*(a) The full minimum period of revocation has passed; or*

*(b) At least ½ the minimum period of revocation has passed since the person has spent the required 7 days at a residential intervention program.*

**HB 1454-FN**, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system. **REFER FOR INTERIM STUDY**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: HB 1454 would seem to be a very simple piece of legislation aimed at detecting and treating hepatitis B and C in inmates and Department of Corrections employees. The committee, however, has an abundance of questions, including: does the department offer hepatitis B vaccinations to employees or inmates; is mandatory testing of employees legal; would testing be required just of employees in danger of being exposed, etc? Also, there are new CDC protocols for hepatitis being drawn up which won't be ready until later this year or even early next year. Because of this, and because the committee still expressed an interest and concern on the subject, a vote to refer for Interim Study is recommended. Vote 14-0.

**HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for Criminal Justice and Public Safety: This bill enables law enforcement officers to request that emergency medical care providers withdraw blood for certain alcohol concentration tests when it appears likely that a patient will be brought to a medical facility outside of the state of New Hampshire. Currently under RSA 265:84, law enforcement officials may request that New Hampshire hospitals perform this test. However, a loophole exists when that patient is transported to a hospital out of state. The committee heard testimony from the Department of Safety and several police chiefs that they have been hindered in their ability to pursue certain Driving Under the Influence cases, that resulted in serious injury and death, when the vehicle operator was transported to a hospital in Massachusetts. While this happens infrequently, and mostly in border com-

munities or when the operator is transported by medical helicopter to Boston, the police community stated that a half dozen cases a year are negatively impacted by this loophole. The committee also heard concerns from fire department paramedics that their acting as an agent for law enforcement could compromise patient care or present ethical dilemmas. The committee in amending the bill struck a balance between criminal justice and public safety. On one hand this is enabling legislation that allows our law enforcement agencies to vigorously pursue DUI offenders that have been involved in a serious accident that are currently slipping through the cracks. On the other hand, recognizing that there may be medical or ethical reasons that an emergency medical care provider may not wish to participate, we have allowed three different options for them to opt out of performing the test. Thus this legislation gives law enforcement another option in the fight against DUI operators, and allows the emergency medical care providers the option to not participate. Vote 14-0.

#### **Amendment (2718h)**

Amend RSA 265:85, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of RSA 265:85, I, emergency medical care providers licensed under RSA 153-A may withdraw blood, in accordance with rules adopted pursuant to RSA 265:85, V, at the request of a law enforcement officer for the purpose of a test required by RSA 265:84, when it appears likely that the person to be tested will be brought to a medical facility outside of this state. No law enforcement officer shall request that an emergency medical care provider withdraw blood pursuant to this paragraph unless the provider's emergency medical service unit has submitted a written consent to such procedures with the requesting law enforcement agency. A person's health and safety or an emergency call for service shall take precedence over a law enforcement officer's request to withdraw blood pursuant to this paragraph. Such emergency medical care provider shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the emergency medical care provider acts with ordinary care.

#### **HB 1460-FN, relative to penalties for alcohol- and drug-related offenses. OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1460 is one of the results of a two-year study committee dealing with Driving under the Influence (DUI) and the penalties. The bill adds the word "renewal" to RSA 215-A:15-1 and RSA 265:82-d requiring all obligations to be paid prior to restoration of license. It amends RSA 651:5 to conform to the changes made to the DWI statutes changed last session. The bill also amends RSA 263:64 to say that a license that has been suspended or revoked for a violation of the DWI statutes shall remain revoked/suspended for that offense until restored. Finally, RSA 263:56-b is amended so that persons under the age of 21 years of age may have their drivers license, operating privileges, or denial of license for alcohol abuse or violations of the controlled drug act (318B:1, VI or VI-a). The committee heard testimony from law enforcement and representatives of the court systems. The majority of the committee felt that these were appropriate steps to be taken in assuring the safety of the public. Vote 13-1.

#### **Amendment (2754h)**

Amend the bill by replacing section 2 with the following:

2 Drivers' Licenses; Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as follows:

I. Any person who is ~~[+5 years of age or older and]~~ not yet ~~[+8]~~ 21 years of age on the date of the incident, who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for any offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, may at the discretion of the court be subject to the revocation or denial of a driver's license *or privilege to drive* as provided in this section. Notwithstanding RSA 169-B:35 or any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this section has occurred involving a person who meets the age limits specified in this section shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

II. The director shall revoke the driver's license *or privilege to drive* or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction

under paragraph I, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license *or privilege to drive* under this paragraph without first giving the person an opportunity for a hearing. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

III. Any person who is 15 years of age or older and not yet 18 years of age on the date of the incident, and who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license *or privilege to drive* for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV. The driver's license or privilege to drive of any person who is 18 years of age or older on the date of the incident, and who is convicted of the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. Any person convicted of such offense may be denied a driver's license *or privilege to drive* at the discretion of the court, for any period of time, including for life. The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

#### AMENDED ANALYSIS

This bill:

I. Requires payment of all obligations resulting from alcohol- and drug-related offenses prior to driver's license renewal.

II. Permits a court to revoke or deny a driver's license or driving privileges for a person not yet 21 years of age for any offense involving the sale, possession, use, or abuse of alcohol, controlled drugs, or a controlled drug analog.

III. Clarifies certain provisions involving driving offenses.

This bill is a request of the committee established by 1999, 334.

**HB 1105**, relative to the appointment of non-certified employees within a school administrative unit. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill tries to give additional flexibility to school administrative units in employing non-certified employees. However, the potential unintended consequences outweigh the limited objectives of the sponsor. Vote 16-2.

**HB 1333**, establishing a committee to study the definition of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. J. D. Colcord for Education: The committee, while understanding the frustration of the sponsor, believes that the Adequate Education Commission established by current law should be addressing this issue and therefore did not support forming a new commission which may merely duplicate that mission. Vote 17-1.

**HB 1443**, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities. **OUGHT TO PASS**

Rep. Sharon M. Carson for Education: This bill seeks to correct an existing inconsistency within RSA 193:12 regarding payment for expenses incurred during a student's placement outside their current school district. Subsequent research revealed no pertinent reason as to why the arbitrary date of January 1st was chosen and why this date should be different from every other date corresponding to residency requirements. Testimony stated that the arbitrary date may place an unreasonable burden on one school district even if the student moves out of district. The committee agreed that to update the current statute was appropriate. Vote 16-0.

**SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Education: The sponsor of this bill was able to arrange for the subject of the bill to be enacted into law separately, at the end of the 2001 legislative session under HB 726. Therefore, all agreed that the bill is unnecessary. Vote 16-0.

**HB 1308**, relative to checklist corrections on election day. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Steve Vaillancourt for Election Law: This legislation represents a small step forward in keeping voter checklists as up to date as possible. As amended, it demands that ballot clerks do what the committee believes most of them already do – ask a voter to verify his or her address at the time of voting. If the address is incorrect, the ballot clerk, by this legislation, will make a correction in red ink on the checklist so that changes can then be made on the master list. This in no way will prevent anyone who still lives in the voting district from voting that day. Vote 17-0.

#### **Amendment (2674h)**

Amend the bill by replacing section 1 with the following:

1 Voting Procedure; Obtaining a Ballot; Address Corrections. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his *or her* name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, ~~[he] the ballot clerk~~ shall put a checkmark beside it and again repeat the name. *The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist.* The voter, *if still qualified to vote in the town or ward and* unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After ~~[he] the voter~~ enters the enclosed space, the ballot clerk shall give ~~[him] the voter~~ one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

#### **AMENDED ANALYSIS**

This bill requires ballot clerks to ask voters if the address on the checklist is correct and to correct any incorrect addresses.

**HB 1123**, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services. **INEXPEDIENT TO LEGISLATE**  
Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to study the integrating of the functions of the department of education and health and human services. RSA 21-G:1 also known as the Executive Branch Reorganization Act of 1983, HB 1 of 1983, would guide the study and implementation. The subject matter does not fit the guidelines set forth in RSA 21-G:3 and 4 and the missions of the agencies are very different, therefore, the committee voted not to pass this study bill. Vote 14-0.

**HB 1218**, relative to the regulation of pharmacists and prescription drug orders. **OUGHT TO PASS**  
Rep. Michael O'Neil for Executive Departments and Administration: This is a housekeeping bill requested by the Board of Pharmacy. It will allow the board to promulgate rules on electronic transmission of prescriptions, clarify and provide a complete audit trail of drugs dispensed through a centralized prescription processing system. Vote 14-0.

**HB 1323**, establishing a committee to study performance-based public salaries. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: It is not possible to have performance-based pay because of RSA 273-A which requires the State to negotiate employee salaries. The Joint Committee on Employee Relations (RSA 273-A:9) might consider offering some money for performance, which would have to be the subject of negotiations under current law. The bill was quite broad and some felt it might create a 28-a problem for towns, cities and counties. The Hay study indicated that New Hampshire was 25% below other New England states. An 8% raise would still make New Hampshire 14% below the average. Under the circumstances it is unclear where the money would come from for additional performance pay. Vote 13-0.

**HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program. **OUGHT TO PASS**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill establishes a hazardous duty classification in the length of service awards program. The program will provide a

retirement plan for local firefighters, including on-call, volunteer, and emergency medical services personnel. Participation requires political subdivisions to take action to accept or reject the program. The original length of service bill did not meet Internal Revenue Service requirements. This bill intends to correct that problem. Vote 14-0.

**HB 1359-FN**, establishing a department of financial services. **REFER FOR INTERIM STUDY**  
Rep. Joan H. Schulze for Executive Departments and Administration: This bill establishes a department of financial services merging banking and insurance oversight functions. The interim study will investigate current insurance and banking laws to determine if legislation can be created to allow a merger of the banking, insurance and securities departments. This merger could prevent overlap of work and service. In addition, we recommend that a member of the Commerce Committee should be consulted by the study group. Vote 14-0.

**HB 1366-FN**, establishing a state employee cost-saving award program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joan H. Schulze for Executive Departments and Administration: The amendment to this bill enhances RSA 99-E, which established an evaluation committee to review employee cost saving suggestions, as well as extra ordinary services. The purpose is to encourage employees to submit creative proposals to their department head and to the Legislative Budget Assistant. This program will be publicized frequently and will recognize the contribution and/or reward the employee. If the reward be monetary, the total amounts awarded annually are not to exceed \$10,000. The legislative budget assistant will determine the terms and conditions of the State Employee Recognition and Award Program. The governor and council recently awarded three nurses at the New Hampshire Hospital each the sum of \$333 for extra ordinary service with a sense of urgency or emergency prevailing. Vote 14-0.

#### **Amendment (2815h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a state employee recognition and award program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Legislative Officers and Proceedings; Legislative Budget Assistant; Audit Division; Audit to Assess Cost-Savings. Amend RSA 14:31-a, I by inserting after paragraph (f) the following new subparagraph:

(g) Conduct audits to assess the amount of department or agency cost-savings pursuant to the state employee recognition and award program established in RSA 99-E.

2 State Employee Recognition and Award Program. RSA 99-E is repealed and reenacted to read as follows:

#### **CHAPTER 99-E**

##### **STATE EMPLOYEE RECOGNITION AND AWARD PROGRAM**

99-E:1 Awards. This program is established to give recognition, and if appropriate, awards to state employees as follows

I. Monetary awards for original suggestions to improve government operation, safety, cost-savings, or efficiency; or

II. Nonmonetary recognition for extraordinary service in the interest of the state. Any state employee shall be eligible based on a suggestion or service which is outside or beyond the employee's regular responsibilities or performance standards.

99-E:2 Monetary Awards; Program Administration.

I. A state employee interested in receiving a monetary award under RSA 99-E:1, I shall submit in writing an original proposal to the employee's department head and the legislative budget assistant. The written proposal shall include the employee's name, position, department, and the date and time of filing. Employees may jointly submit one proposal. If the same idea is submitted individually, the first to submit the written proposal to the department head and to the legislative budget assistant shall be entitled to any award.

II. Within 90 days of receiving the proposal, the department shall inform the employee and the legislative budget assistant in writing whether they intend to implement the proposal or whether more information is required. If more information is needed, the department shall state the amount of additional time required and shall notify the employee and the legislative budget assistant in writing of the department's decision regarding implementation of the proposal.



III. Within 12 months of implementation, the legislative budget assistant shall conduct an audit to determine the amount of cost-savings resulting from the employee's proposal. The cost of the audit shall be paid by the department in the next biennium from moneys identified as resulting from the cost-savings, if any.

IV. An amount equal to the monetary award shall be appropriated to the department in the biennium following implementation of the proposal. If the department is self-funding or federally funded, the award shall be paid from the general fund, and the governor is authorized to draw a warrant for award granted out of any money in the treasury not otherwise appropriated. The department head shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

V. By February 1 of each year, the legislative budget assistant shall submit any recognition or award proposals received in the previous year, whether such proposals were implemented or not, to the governor and council, the speaker of the house, and the president of the senate.

VI. The legislative budget assistant shall provide a written notice outlining the terms and conditions of the state employee recognition and award program. The department of administrative services shall post the notice in each department and shall include the notice in all state employee orientation materials and attach the notice to each employee's paycheck.

99-E:3 Nonmonetary Recognition. A state employee shall be eligible for recognition under RSA 99-E:1, II based on the recommendation of the employee's supervisor or department head, for extraordinary suggestions or service in the interest of the state which are beyond the employee's regular responsibilities or performance standards. The employee's supervisor or department head shall determine the appropriate form of recognition to which the employee is entitled.

99-E:4 Entitlement. No person shall have any vested rights to such recognition or award under this chapter.

99-E:5 Awards. The total of monetary awards granted in any fiscal year shall not exceed \$10,000. The governor is authorized to draw a warrant for awards granted out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a state employee recognition and award program. Employees may be eligible to be awarded a percentage of agency savings that result from implementation of the employee's proposal, or may receive nonmonetary recognition. The amount of savings is determined by an audit conducted by the legislative budget assistant.

#### **HB 1372-FN, relative to certain residential care facilities. OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was sent to the Executive Department and Administration Committee to review the rule-making portion of the bill dealing with RSA 541-A. The process outlined in the bill meets the guidelines needed in bills to implement rule making authority so the committee voted to send this bill to the floor as ought to pass without an additional amendment. Vote 13-0.

#### **HB 1455-FN-L, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets. OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The bill, as amended, would allow the transfer of an individual's qualified funds from a political subdivision's retirement system to the New Hampshire Retirement System without subjecting the funds to taxation or jeopardizing the New Hampshire Retirement System's tax exempt status. The bill covers only retirement arrangements that are federal tax qualified under sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended. The retirement system is awaiting further clarification from the IRS on other types of plans which may be transferred into the New Hampshire Retirement system by future legislation insuring that the system's tax exempt status continues intact. Vote 13-0.

#### **Amendment (2802h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Political Subdivision; Modification. Amend RSA 100A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees within 5 years from the date when the employer's participation becomes effective for periods of prior service rendered to such employer. Upon payment by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, as an unclassified employee, from compulsory membership provided herein. ~~[Any such officer who is presently a member of the retirement system, or who previously was a member of the retirement system, shall be entitled to have any accumulated contributions and the accumulated interest thereon in such officer's account or the employer's account, paid over to such officer and the employer respectively for the express purpose of having said accumulated contributions or equal amounts of monies contributed to the International City Management Retirement Corporation.]~~ The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

2 New Section; Pension Portability, Purchase of Permissive Service Credit. Amend RSA 100-A by inserting after section 24 the following new section:

100-A:24-a Pension Portability, Purchase of Permissive Service Credit.

I. A member participating under a retirement arrangement federally tax-qualified under Sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended, may authorize a direct trustee-to-trustee transfer of funds credited to the member's account held under such transferor plan for purchase under the retirement system of permissive service credit, as defined in Section 415(n)(3)(A) of the United States Internal Revenue Code of 1986, as amended, or for the purchase of qualifying prior service, on behalf of such member.

II. The provisions of this section shall be subject to such restrictions or qualifications as may be required by the retirement system in conformity with applicable provisions of the United States Internal Revenue Code of 1986, as amended.

III. Service credit purchased under this section shall be creditable service for the purpose of eligibility for retirement and other benefits under RSA 100-A as may be permitted under applicable provisions of the United States Internal Revenue Code of 1986, as amended.

3 Limitation on Membership. Amend RSA 100-A:28 to read as follows:

100-A:28 Limitation on Membership. This retirement system and the provisions hereof shall not apply to any person benefited by or entitled to participate under any other provisions of law which provides wholly or in part at the expense of the state or any other employer, for retirement benefits for employees, teachers, permanent policemen, and permanent firemen employed by the state or such other employer, their widows or other dependents, with respect to the same period of service for which they are eligible for benefits under the terms of this chapter. The provisions of this section shall not apply to any person participating in, or receiving or eligible to receive benefits under the old-age and survivors insurance provisions of Title II of the federal Social Security Act, as amended *or under a retirement arrangement federally tax-qualified under sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended.*

4 Effective Date. This act shall take effect 180 days after its passage.

#### AMENDED ANALYSIS

This bill establishes provisions for the portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

**HB 1458-FN-L**, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**  
 Rep. William R. Zolla for Executive Departments and Administration: This bill would have established a new category of group II personnel who do not meet the existing criteria under the system. The committee felt there were other ways to qualify these people by incorporating them into the political subdivision infrastructure without modifying the existing system. Vote 12-1.

**HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Robert L. Wheeler for Finance: This bill funded developing handbooks and holding conferences on building rehabilitation and historic preservation. Since the office of State Planning, NHHFA and CDFA have agreed to pay for them, no state funds need be appropriated, and the amendment eliminates them. Vote 19-0.

### Amendment (2730h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation.

Amend the bill by replacing all after section 1 with the following:

2 Purposes; Authority to Accept Grants.

I. The department of cultural resources shall hold conferences on building rehabilitation and historic preservation, in order to assist municipal, county, and state officials, New Hampshire Main Street organizations, regional development corporations, regional planning commissions, property owners, design professionals, and non-profit organizations to understand and develop strategies for the successful preservation and rehabilitation of historic and culturally significant buildings and structures and older commercial and industrial buildings. The commissioner of cultural resources may accept grants, services, and property from state agencies, the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of holding the conferences. Any sums accepted by the commissioner pursuant to this section shall not be used for any other purpose, are hereby appropriated, and shall not lapse.

II. The department of safety shall provide for the development, publication, and distribution of a handbook, and/or other media, that will include information on life safety, fire and building codes and standards, historic preservation codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects. The department may enter into contracts with individuals, public or private corporations or institutions for assistance in the development, publication, and distribution of said handbook, and/or other media. The commissioner of safety may accept grants, services, and property from state agencies, the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of this project. Any sums accepted by the commissioner pursuant to this section shall not be used for any other purpose, are hereby appropriated, and shall not lapse.

III. The provisions of this section shall be subject to the availability of funds, and any other resources accepted by the commissioner of cultural resources, and the commissioner of safety pursuant to paragraphs I and II.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows the commissioner of the department of cultural resources to accept grants, for the purpose of holding conferences on building rehabilitation and historic preservation. The bill also allows the commissioner of the department of safety to accept grants, and contract for services for the development, publication, and distribution of a handbook that will provide information on life safety, fire and building codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects.

**HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The Committee felt that aiding victims of sexual assault was a worthy goal. This bill increases the cap on the victims' assistance fund from \$750,000 to \$1,000,000. The fund is derived from fine dollars. This seemed to be an appropriate source of revenue. It is consistent with the philosophy that the perpetrators should support the victims. Despite the higher cap, the general fund should still receive its anticipated \$150,000 due to more recent, higher estimates of fine revenues. Vote 19-0.

#### **Amendment (2800h)**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 2002.

#### **AMENDED ANALYSIS**

This bill removes the 25 percent cap on grants made from the victims' assistance fund. The bill also provides that money in the victims' assistance fund in excess of \$1,000,000 shall lapse to the general fund.

**HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Finance: This bill increased the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty. After reviewing all the information provided, the Committee was unanimous in determining that the bill should be referred to interim study in the policy committee to cover all of the new information that had been presented to Finance regarding this bill. Furthermore, it was felt that because the passage of this bill would set a precedent for all other members covered under the state's retirement plan, we should do it right the first time. Vote 20-1.

**HB 1230-FN**, authorizing the commissioner of the department of education to expend funds for special education advocacy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill requires the Commissioner of the Department of Education to contract with a non-profit agency for the provision of additional special education advocacy services to parents or legal guardians of children with educational disabilities. The contract shall provide for the minimum equivalent of 2 full-time special education advocates and overhead and administrative costs not to exceed \$105,000 for FY 2003 and \$105,000 for FY 2004. The program requires no supplemental appropriation, as the monies will be allocated from discretionary funds within the special education department. Goals and outcomes including sufficient numerical data to quantify results will be included in the department's Request For Proposals report for this advocacy program. We're hopeful that this will make the process more efficient. Vote 20-0.

#### **Amendment (2507h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing the commissioner of the department of education to expend funds for special education advocacy.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Duties of Commissioner. Amend RSA 21-N:4 by inserting after paragraph X the following new paragraph:

XI. In accordance with the state competitive bidding process, contract with one or more non-profit agencies to provide special education advocacy services to parents and legal guardians of children with educational disabilities in New Hampshire with regard to any alleged violations of rights under the federal Individuals with Disabilities Education Act, RSA 186-C, and any other applicable federal and state education statutes. The contract shall require the provision of advocacy services by qualified staff including the power and duty to petition for, initiate, appear, or intervene on behalf of, the parent or legal guardian of an educationally disabled child in any proceeding concerning special education decisions rendered by a local school board, the state board of education, or before any board, commission, agency, court, or regulatory body in which the interests of the parents or legal guardians of an educationally disabled child are involved. The contract shall provide for the advice and support of parents and legal guardians on such matters where appropriate.

2 Contract Funding. Any contract for special education advocacy services entered into pursuant to this act shall provide for the minimum equivalent of 2 full-time special education advocates and shall cover incidental overhead and administrative costs not to exceed \$105,000 for the fiscal year ending June 30, 2003 and \$105,000 for the fiscal year ending June 30, 2004.

3 Department of Education; Special Education Funds. Any funding for special education advocacy services pursuant to this act shall be provided from special education funds appropriated to the department of education.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill allows for purchase of some but not necessarily all of a participant's past service, removes requirements of legislative review that have been updated by the system and changes a date of payment to accommodate the accounting system without any negative implication on the general fund. Vote 20-0.

**HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices. **REFER FOR INTERIM STUDY**

Rep. Elizabeth S. Hager for Finance: This bill set maximum guidelines for departmental biennial budget requests. Up to a two year increase in the total percentages of CPI and population would be the cap for growth. Special circumstances and legislative mandates could cause the caps to be exceeded. Five other states now use the total of CPI and population growth to cap increases. There were too many questions as to how to apply these growth factors to pass the bill now. Material from the other states has been insufficient in setting benchmarks, thus the recommendation of interim study. Vote 20-0.

**HB 1409-FN-A-L**, relative to payment of autopsy expenses and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The Committee felt that since there was no money for this appropriation and the Attorney General has gone to the fiscal committee to resolve financial difficulties in this area the last two times they occurred, that solution should continue. The amendment removes the appropriation and leaves the policy intact. Autopsy expenses will be competing for dollars in the next biennial budget. Vote 18-1.

#### Amendment (2734h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment of autopsy expenses.

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill changes the procedures for payment of autopsy expenses by the state and by counties.

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill, as amended, creates positions in the Consumer Protection and Antitrust Bureau of the A.G.'s office. It further removes the appropriation and changes the effective date to July 2003. It is expected that funding these positions will be part of the next budget preparation for the A.G.'s office. The need for financial support for this Bureau was clearly demonstrated in a study by the Commerce Committee regarding the changing nature and amount of consumer fraud. Vote 18-0.

#### Amendment (2776h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill allows for the addition of 3 attorneys, 2 paralegals, and one legal secretary to the staff in the department of justice, consumer protection and antitrust bureau.

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. **OUGHT TO PASS**

Rep. Betsy A. Coes for Finance: This bill makes necessary changes to RSA 188, enabling the Challenge Grant Program to continue successfully. Under SB 201, three changes are made: 1) With \$1,000,000 now available, the \$25,000 cap is removed. 2) Funds will be available to a broader spectrum of businesses. 3) The Grant Program will be administered by the New Hampshire Community Technical College with the Commissioner of Employment Security acting as fiscal agent. Vote 20-0.

**HB 1465**, extending the New Hampshire task force on deafness and hearing loss. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The New Hampshire task force on deafness and hearing loss has been effective in studying important issues relating to the needs of those with hearing loss and deafness and recommending pertinent legislation. The task force feels that their work is not complete. All that the bill does is allow the task force to continue their work until November 1, 2002. Vote 17-0.

**HB 1393**, relative to the determination of just compensation in eminent domain proceedings **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: This bill addresses the issue of just compensation for businesses that have been displaced due to New Hampshire eminent domain actions. The committee views the present policies inadequate to satisfy the ideal of just compensation in relocating small businesses. A business taking and subsequent relocation is far more involved as to costs that governmental agencies are willing to pay, such as location, setbacks, interim zoning changes, etc. This bill provides for payments equal to the replacement costs of the business. Replacement costs shall mean the present value cost as documented by competent evidence. The business, however, may choose to receive payment at the fair market value of the property as provided in RSA 498-A:25. Vote 13-0.

### Amendment (2757h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to business replacement costs resulting from government program displacement.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that the displacement of businesses by eminent domain takings can result in the closure of those businesses. The primary purpose of this act is to ensure that the adverse impacts of displacement to businesses are minimized or eliminated.

2 New Section; Relocation Assistance and Real Property Acquisition; Replacement Costs for Businesses. Amend RSA 124-A by inserting after section 5 the following new section:

124-A:5-a Replacement Costs for Businesses. In addition to any other payments authorized by this chapter, the displacing agency shall make an additional payment to any business which is a displaced person as defined in RSA 124-A:2, IV. The payment shall consist of an amount equal to the replacement cost of the business. "Replacement cost" shall mean the present value cost, as documented by competent evidence, to replace the business property for the displaced person, taking into account all reasonable matters of significance to the property for the uses to which the property was able to lawfully be used at the time of the displacement, including such matters as lot size, location, highway access, zoning laws, public or private utilities, and building and facility reproduction. The business may choose in lieu of this payment to be paid the fair market value of the property as provided in RSA 498-A:25.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires displacing agencies under RSA 124-A to pay the replacement costs of businesses displaced by government programs.

**HB 1463-FN**, relative to sole proprietors under the unemployment compensation law. **REFER FOR INTERIM STUDY**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill was brought to us on the deadline for bills going to a second committee with no time to understand the very significant ramifications. Although the committee recognized the problem being addressed by this bill, the Department of Employment Security testified that, as written, the bill had a number of problems. This bill requires employers to allow employees who are crime victims to leave work to attend court or other proceedings and/or counseling sessions. Vote 11-0.

**HB 1479-FN**, establishing the crime victim employment leave act. **REFER FOR INTERIM STUDY**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee, in addition to the Department of Labor, business and the sponsor, felt that an Interim Study was most appropriate course of action. Vote 11-0.

**HB 1480**, relative to liability for benefits under workers' compensation. **REFER FOR INTERIM STUDY**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: This bill clarifies that it is the carrier which was the carrier on the date of the medical diagnosis that is liable for further medical treatment if any injury has reoccurred. The majority of the committee, along with the sponsor and the Department of Labor, felt that because of the complexity of the issue an Interim Study was in order. Vote 11-0.

**HB 1103**, establishing a committee to study the budget process. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Burling for Legislative Administration: The committee did not feel that this study was required at this time, at least not as a statutory committee. Any member wishing to study this budget process is, of course free, to do so. Vote 11-0.

**HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. **OUGHT TO PASS**

Rep. Peter H. Burling for Legislative Administration: The committee felt this bill reflects an idea whose time has definitely come. Passage of this bill will make it clear that contributions to speaker candidates will be reported. The integrity of the House requires nothing less. Vote 11-0.

**HB 1329-FN**, relative to fiscal notes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Legislative Administration: The committee feels this bill will clarify the need for accurate fiscal notes which meet the requirements of RSA 14:44, 45 and 46. The committee specifically requests referral of this bill to Finance. Vote 12-0.

**Amendment (2791h)**

Amend the bill by replacing section I with the following:

I New Paragraph; Preparation of Fiscal Notes; Vote on Bill. Amend RSA 14:46 by inserting after paragraph VI the following new paragraph:

VII. No bill requiring a fiscal note may be voted on by the house of representatives or the senate unless the bill is accompanied by a fiscal note meeting the requirements of this subdivision or a majority of the members present and voting in the house of representatives or the senate affirmatively vote to waive the requirements of this subdivision.

**AMENDED ANALYSIS**

This bill prohibits the house of representatives or the senate from voting on a bill requiring a fiscal note unless the bill is accompanied by a fiscal note meeting the requirements of law or the members affirmatively vote to waive the requirements of the fiscal note law.

**HB 1387**, relative to toll exemptions for legislators. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Legislative Administration: This bill provides that a member of the legislature shall get toll-free use of the state highways whether as a driver or passenger by displaying a legislative I.D. card. Because of the similarity of the legislative I.D. Card and the New Hampshire Drivers License it would delay legislators at the toll gate and possibly cause traffic delays. This bill was opposed by the Department of Transportation. Vote 11-1.

**HB 1435**, extending the reporting dates of certain study committees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: This bill extends the reporting dates of the following study committees: (1) Creation of an At-Home Infant Care Program in New Hampshire Study; (2) Information, Training, and Support Needs of Family Caregivers in New Hampshire Study; (3) the Shortage of Health Care Personnel and Support Staff in New Hampshire – to November 1, 2002. Vote 12-0.

**HB 1441**, relative to the availability of records of the joint committee on legislative facilities. **OUGHT TO PASS**

Rep. Robert E. Clegg for Legislative Administration: The bill amends RSA 17-E by adding a new section requiring records of minutes of meetings of the Joint Legislative Facilities Committee be made available in the office of legislative accounting. Vote 12-0.

**HB 1121**, relative to planning board recommended programs of capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Presently, there is frustration at the local level regarding the authority of planning boards in their preparation of the six year Capital Improvements Program (CIP), since RSA 674:5 allows the legislative body to authorize only the planning board to prepare and amend a recommended CIP. This amendment gives municipalities an option to appoint a capital improvement program committee which may include, but not be limited to, members of the planning board and the budget committee of the governing body of the municipality without affecting any current practices at the local level. Vote 15-0.

**Amendment (2727h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to capital improvement committees.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Improvement Program Committee Authorized. Amend RSA 674:5 to read as follows:

674:5 Authorization. In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. *As an alternative, the governing body of a municipality may appoint and authorize a capital improvement program committee, which may include but not be limited to members of the planning board, the budget committee, or the town or city governing body, to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.* The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor and the budget committee in their consideration of the annual budget.

2 Preparation; Capital Improvement Program Committee Added. Amend RSA 674:7 to read as follows:

674:7 Preparation.

I. In preparing the capital improvements program, the planning board *or the capital improvement program committee* shall confer, in a manner deemed appropriate by the board *or the committee* with the mayor or the board of selectmen, or the chief fiscal officer, the budget committee, other municipal officials and agencies, the school board or boards, and shall review the recommendations of the master plan in relation to the proposed capital improvements program.

II. Whenever the planning board *or the capital improvement program committee* is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency, and every affected school district board, department or agency, shall, upon request of the planning board *or the capital improvement program committee*, transmit to the board *or committee* a statement of all capital projects it proposes to undertake during the term of the program. The planning board *or the capital improvement program committee* shall study each proposed capital project, and shall advise and make recommendations to the department, authority, agency, or school district board, department or agency, concerning the relation of its project to the capital improvements program being prepared.

3 Consideration; Selectmen Added; Capital Improvement Program Committee Added. Amend RSA 674:8 to read as follows:



674:8 Consideration by Mayor and Budget Committee. Whenever the planning board *or the capital improvement program committee* has prepared a capital improvements program under RSA 674:7, it shall submit its recommendations for the current year to the mayor *or selectmen* and the budget committee, if one exists, for consideration as part of the annual budget.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes a municipality to create a capital improvement committee, as an alternative to the planning board, to prepare a capital improvements program in communities which have adopted a master plan.

### **HB 1193-L, relative to local enforcement of junk yards and motor vehicle recycling yards. OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: HB 1193 as amended, allows municipalities to assess a civil penalty on owners of property determined to be not in compliance with junk yard licensing laws. The local governing body or enforcement official of the town, city or unincorporated place may impose a fine of up to \$50 per day for this noncompliance with the junk yard laws, after notice to the property owner. The municipality will keep civil penalties collected. This amendment enables the municipality to have more local enforcement authority regarding junk yards and motor vehicle recycling yards. Vote 14-0.

### **Amendment (2601h)**

Amend the bill by replacing section 2 with the following:

2 Junk Yards and Motor Vehicle Recycling Yards; Local Enforcement; Civil Penalty Authority Added. RSA 236:128 is repealed and reenacted to read as follows:

236:128 Local Enforcement; Injunction; Civil Penalties. The governing body, elected or appointed officers or other appointed agents of a town, city, or unincorporated place, or a private person pursuant to RSA 236:129 may initiate proceedings for the enforcement of the provisions of this subdivision. In addition to the criminal penalty in RSA 236:127, enforcement may be by the following:

I. The local governing body may obtain a mandatory injunction to end the violation.

II. If the local governing body does not obtain such an injunction the attorney general may obtain an injunction in the name of the state

III. The local governing body or other enforcement official of the town, city, or unincorporated place, after providing notice, may impose a civil penalty of up to \$50 for each day upon any person whose land is deemed a nuisance pursuant to RSA 236:119 until such time as the nuisance is removed or abated to the satisfaction of the governing body, or until the owner of the land acquires a license and is in compliance with the provisions of this subdivision. The building inspector or other local official with the authority to enforce the provisions of this section may commence an action to collect the civil penalty in the district court. Imposition of a civil penalty under this paragraph shall not relieve the owner of any requirement to comply with the provisions of this subdivision, nor shall it preclude the imposition of further actions or remedies under this chapter. The proceeds from the assessment of civil penalties under this section shall be for the use of the town, city, or unincorporated place.

### AMENDED ANALYSIS

This bill allows municipalities to assess a civil penalty on owners of property determined to be not in compliance with junk yard licensing laws.

### **HB 1274, relative to deputy town clerks. OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: The qualifications for a deputy town clerk have always been the same as for a town clerk. A situation was brought to the attention of the committee two years ago about some deputy town clerks who were not living in the town where they worked. The New Hampshire City and Town Clerk's Association reviewed the policy and asked that this bill be brought forward to allow currently non-domiciled deputy town clerks to retain their position for the duration of their job, but to require future appointed deputy town clerks to meet the domicile requirement.

Another situation was discovered during administrative rules procedures involving a town clerk's authority to fill out burial transit forms. In 1997, there were changes made in the laws relative to

the administration of vital records. The town clerk is the “keeper” of these vital records at the local level and works in conjunction with the bureau of vital record and health statistics. With this amendment, the town clerks can again sign burial transmit forms when there is no funeral director easily available or close by. Vote 15-0.

#### **Amendment (2667h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to town clerks and deputy town clerks.

Amend the bill by replacing all after section 1 with the following:

2 Death Records. Amend RSA 290:1 to read as follows:

290:1 Death Records. Whenever a person shall die, the physician attending at the last sickness shall complete and deliver to the funeral director, *town clerk*, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the bureau of vital records and health statistics, a death record, duly signed, setting forth, as far as may be, the facts required by rules of the department of health and human services as provided in RSA 126:2. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, *town clerk*, next-of-kin, or designated agent shall transmit electronically the record of death to the bureau of vital records and health statistics.

3 Applicability. Any non-domiciled deputy town clerk who occupies that office on the effective day of this act shall be exempt from the domicile requirements of RSA 41:18 for the duration of his or her term of employment.

4 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill allows current non-domiciled deputy town clerks to retain their position for the duration of their term, but requires future appointed deputy town clerks to meet the domicile requirement, and allows a town clerk to put the question of creating a deputy town clerk to the voters. This bill also allows town clerks to receive death records from attending physicians.

#### **HB 1344-L, establishing a village plan alternative in zoning and land use planning laws. OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill establishes the village plan alternative in zoning and land use planning by amending RSA 674:21 with a new subparagraph entitled “Village Plan Alternative.” A village plan alternative development grants a developer or owner of land the option to develop a limited portion of the property in an expedited manner and without certain dimensional requirements while keeping the major portion of the property undeveloped open space. The village alternative’s purpose is to encourage the preservation of open space wherever possible, the retention in private ownership of parcels of land large enough to be conducive to farming, efficient management of timber resources and the preservation of wildlife habitat. An owner of record wishing to utilize the village plan alternative shall provide to the political subdivision within which the property is located, as a condition of approval, a recorded easement reserving the remaining land area of the entire original lot, solely for agriculture, forestry and conservation or for public recreation. Vote 16-1.

#### **Amendment (2731h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a village plan alternative subdivision in zoning and land use planning laws.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Innovative Land Use Controls; Village Plan Alternative Added. Amend RSA 674:21, I by inserting after subparagraph (m) the following new subparagraph:

(n) Village plan alternative subdivision.

2 New Paragraph; Village Plan Alternative Defined. Amend RSA 674:21 by inserting after paragraph V the following new paragraph:

VI.(a) In this section, “village plan alternative” means an optional land use control and subdivision regulation to provide a means of promoting a more efficient and cost effective method of land development. The village plan alternative’s purpose is to encourage the preservation of open space and wherever possible, the retention in private ownership of parcels of land large enough to

be conducive for farming, efficient management of timber resources, and preservation of wildlife habitat. The village plan alternative subdivision is meant to encourage beneficial consolidation of land development to permit the efficient layout of less costly to maintain roads, utilities, and other public and private infrastructures; to improve the ability of political subdivisions to provide more rapid and efficient delivery of public safety and school transportation services as community growth occurs, and finally, to provide owners of private property with a method for realizing the inherent development value of their real property in a manner conducive to the creation of substantial benefit to the environment and to the political subdivision's property tax base.

(b) An owner of record wishing to utilize the village plan alternative in the subdivision and development of a parcel of land, by locating the entire density permitted by the existing land use regulations of the political subdivision within which the property is located, on 20 percent or less of the entire parcel available for development, shall provide to the political subdivision within which the property is located, as a condition of approval, a recorded easement reserving the remaining land area of the entire, original lot, solely for agriculture, forestry, and conservation, or for public recreation. The recorded easement shall limit any new construction on the remainder lot to structures associated with farming operations, forest management operations, and conservation uses. Public uses shall be subject to the written approval of those abutters whose property lies within the village plan alternative subdivision portion of the project at the time when such a public use is proposed.

(c) The village plan alternative shall permit the developer or owner to have an expedited subdivision application and approval process wherever land use and subdivision regulations may apply. The submission and approval process for a village plan alternative subdivision shall be the same as that for a conventional subdivision. Existing zoning and subdivision regulations relating to emergency access, fire prevention, and public health and safety concerns including any setback requirement for wells, septic systems, or wetland requirement imposed by the department of environmental services shall apply to the developed portion of a village plan alternative subdivision but lot size regulations and dimensional requirements having to do with frontage setbacks measured from all new property lot lines, and lot size regulations; as well as density regulations shall not apply. The total density of development within a village plan alternate subdivision shall not exceed the total potential development density permitted a conventional subdivision of the entire original lot unless provisions contained with the political subdivision's land use regulations provide a basis for increasing the permitted density of development within a village plan alternative subdivision. In no case shall a political subdivisions impose lesser density requirements upon a village plan alternative subdivision than the density requirements imposed on a conventional subdivision.

(d) Within a village plan alternative subdivision, the exterior wall construction of buildings shall meet or exceed the requirements for fire-rated construction described by the fire prevention and building codes being enforced by the state of New Hampshire at the date and time the property owner of record files a formal application for subdivision approval with the political subdivision having jurisdiction of the project. Exterior walls and openings of new buildings shall also conform to fire protective provisions of all other building codes in force in the political subdivision. Whenever building code or fire prevention code requirements for exterior wall construction appear to be in conflict, the more stringent building or fire prevention code requirements shall apply.

(e) If the total area of a proposed village plan alternative subdivision including all roadways and improvements does not exceed 20 percent of the total land area of the undeveloped lot, and if the proposed subdivision incorporates the total sum of all proposed development as permitted by local regulation on the undeveloped lot, all existing and future dimensional requirements imposed by local regulation, including lot size, shall not apply to the development.

3 Development Restrictions Enforceable; Village Plan Development Added. Amend RSA 674:21-a to read as follows:

674:21-a Development Restrictions Enforceable. Any open space designation or other development restriction which is part of a cluster development, planned unit development, *village plan alternative subdivision*, or other proposal approved under innovative land use controls, or which is lawfully imposed by a local land use board as a condition of subdivision, site plan, variance, or other type of approval, and which has been filed in the records of the local land use board in accordance with its established procedure, shall be deemed to create a conservation restriction as defined in RSA 477:45, I, which shall run with the land, and shall be enforceable by the municipality, or by the owner of any property which would be specially damaged by the violation of such

restriction, regardless of whether any deed or other instrument conveying such restriction has been executed or recorded. For purposes of this section, an applicant's statement of intent to restrict development, submitted with or contained in an application which is subsequently approved, shall be deemed a condition of the approval.

4 New Subparagraph; Subdivision Regulations; Village Plan Alternative Development Added. Amend RSA 674:36, II by inserting after subparagraph (j) the following new subparagraph:

(k) Provide for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21, VI.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the village plan alternative subdivision in zoning and land use planning. Village plan alternative subdivision grants a developer or owner of land the option to develop a limited portion of the property in an expedited manner and without certain dimensional requirements while keeping the major portion of the property in agriculture, forestry, conservation, or public use.

**HB 1407**, relative to the definition of property in planning and zoning laws, and allowing planning and zoning boards to require public notice by posting signs for hearings on the property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Currently, only land owners are notified by planning and zoning boards as required by law. This means that a person in a manufactured home in a park who owns and pays taxes on a home, but does not own the property, is not notified. The amended bill includes in the definition of an abutter for land use boards, owners of manufactured housing which adjoins or is directly across the street or stream from the land under consideration. The amended bill also enables land use boards to require an applicant to post signs on the property to notify the public of the time, place and purpose of any public hearing relative to the applicant's property. Finally, as amended, this bill clarifies certain criteria to permit variances and specifies the three additional conditions of "unnecessary hardship" recently ruled on by the Supreme Court. Vote 14-0.

### Amendment (2828h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances.

Amend the bill by replacing all after the enacting clause with the following:

1 General Provisions for Planning and Zoning; Definition of Abutter. Amend RSA 672:3 to read as follows:

672:3 Abutter. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. *For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term abutter includes manufactured housing park owner and tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.*

2 Notification by Posting Signs. Amend RSA 674:44, V to read as follows:

V. The planning board may, as part of its site plan review regulations, require an applicant to pay all costs for notification of abutters and may provide for the assessment of reasonable fees to cover the board's administrative expenses and costs of special investigation and the review of documents and other matters which may be required by particular applications. *The board may require an applicant to post signs of such size and in such places as the board*

*may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.*

3 Notification of Subdivision by Posting Signs. Amend RSA 676:4, I(d) to read as follows:

(d) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing. *The board may require an applicant to post signs of such size and in such places as the board may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.*

4 New Paragraph; Zoning Board of Adjustment; Notice by Posting Signs. Amend RSA 676:7 by inserting after paragraph IV the following new paragraph:

V. The board of adjustment may require an applicant to post signs of such size and in such places as the board may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.

5 Zoning Variances. RSA 674:33, I (b) is repealed and reenacted to read as follows:

(b)(1) Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance provided that:

- (A) The variance would not decrease the value of surrounding properties;
- (B) The variance would not be contrary to the public interest;
- (C) The variance would not be contrary to the spirit and intent of the ordinance;
- (D) The variance would provide substantial justice; and
- (E) The variance would not result in unnecessary hardship to the owner seeking it.

(2) In the subparagraph, "unnecessary hardship" shall be established by satisfying the following 3 conditions:

(A) The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment;

(B) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and

(C) The variance would not injure the public or private rights of others.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Changes the definition of abutter in the planning and zoning laws to include manufactured housing park tenants.

II. Provides that planning boards and zoning boards may require property owners to post signs notifying the public of any hearing relative to the property.

III. Establishes several criteria that must be met for a zoning board of adjustment to grant a variance to a zoning ordinance.

**HB 1415**, relative to requiring taxpayers requesting abatements to answer inquiries of the assessors, and relative to appeals of certain abatement decisions. **OUGHT TO PASS WITH AMENDMENT** Rep. James E. Twombly for Municipal and County Government: This bill is substantially changed from the original bill. The bill has been amended to include an improvement to RSA 76:16,II, since the committee noted that abatement appeal with no restrictions, is a right of every taxpayer. If the taxpayer chooses not to pay his tax bill, a penalty or loss of property is possible. The bill removes certain provisions for extension of the date for decision, reply or appeal in abatement cases in the effective year of a property revaluation for towns having 9,000 or more parcels. Vote 15-0.

#### Amendment (2600h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.

Amend the bill by replacing all after the enacting clause with the following:

I Abatement; Extension to Respond Removed. Amend RSA 76:16, II to read as follows:

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a[, ~~except that in the effective year of a property reevaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals~~]. The failure to respond shall constitute denial. All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The board of tax and land appeals shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.

2 Abatements; Board of Tax and Land Appeals; Reference to Extension Removed. Amend RSA 76:16-a, I to read as follows:

I. If the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards[, ~~unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed by November 1 following the date of notice of tax under RSA 76:1-a~~]. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. If the appeal is filed before July 1 the person aggrieved shall state in the appeal to the board the date of the municipality's decision on the RSA 76:16 application.

3 Abatements; Superior Court; Reference to Extension Removed. Amend RSA 76:17 to read as follows:

76:17 By Court. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed on or before September 1 following the date of notice of tax under RSA 76:1-a, and not afterwards[, ~~unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed by November 1 following the date of notice of tax under RSA 76:1-a~~]. If the appeal is filed before July 1 following the date of notice of tax, the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16 application.

4 Repeal. RSA 76:16-d, I, relative to extensions for abatement decisions in the year of property revaluations, is repealed.

5 Effective Date. This act shall take effect April 1, 2002.

#### AMENDED ANALYSIS

The bill removes certain provisions for extension of the date for decision, reply, or appeal in abatement cases in the effective year of a property revaluation for towns having 9,000 or more parcels.

**HB 1445**, establishing a committee to study growth ordinances for municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The prime sponsor in testimony indicated that the constituent that had requested this bill had lost interest and the sponsor asked that the bill be voted "inexpedient to legislate". Vote 15-0.

**HB 1466-FN-L**, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster. **REFER FOR INTERIM STUDY**

Rep. William G. Johnson for Municipal and County Government: HB 1466-FN-LOCAL would allow the state to give tax and educational relief to New Hampshire towns faced with significant tax revenue loss by when a taxpayer having at least 20% of the tax base valuation goes bankrupt or is hit by a natural disaster. However, the committee heard extensive testimony that major technical revisions were needed to the bill. The lateness of the legislative calendar did not afford sufficient time for the committee to be sure that both the state and municipality would be protected equally with regard to the revenue stream available. Given the importance of the matter, the committee recommends interim study. Vote 17-0.

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: Prior action by this legislature allowed the City of Manchester to establish an employees contribution retirement system. This bill sets up the referendum question for the City of Manchester to lower the age qualifications for retirement or early retirement in the retirement system. The Committee agreed that the referendum process is the proper method to resolve this question and this change would not go into effect until ratified by the voters of the City of Manchester. Vote 17-0.

**HB 1477**, relative to the use of the real property of counties. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require officers or employees of a county to obtain approval of the county commissioners and ratification by the county convention before there may be any alteration to the existing state of county real property. It also would clarify that the county may not accept a gift of services or equipment for the alteration of its real property without the approval of the county commissioners, ratified by a majority of the county convention. Since RSA 28:8-d already provides this option, any additional restrictions on the county commissioners could have unintended consequences on a state wide level through the micromanaging of counties daily operations. The Committee agrees that this issue is best resolved at the local level. Vote 17-0.

**HB 1473-FN-A**, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility. **OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill allows the Department of Transportation to move forward with the process to build a new garage and testing lab facility. Negotiations for the sale of the existing property are still ongoing. Vote 13-0.

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: The charge of the committee is to expedite and clarify the hearing and order process for setting the level of dam controlled lakes. The amendment broadens the scope somewhat to consider the impact on related waters both upstream and downstream of the specific lake under investigation. It also allows for modification of the related duties and responsibilities of the Department of Environmental Services (DES). Vote 14-0.

#### **Amendment (2632h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the regulations and procedures under RSA 482:79 to:

- I. Clarify and expedite the procedures for lake level investigations and orders;
- II. Ensure adequate protection of the rights and interests of all stakeholders, including but not limited to affected dam and waterfront property owners;
- III. Review the scope of discretion delegated to the department of environmental services to determine if it should be altered; and
- IV. Ensure the complainants' rights to a prompt decision and an impartial appellate review.

**HB 1172**, relative to the adoption of rules for certain wetland permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This agency – initiated bill allows the Department of Environmental Services (DES) to develop rules to fast-track dredge and fill permits for specified minor projects by reducing permit applications to a mere notification process. Response time for the agency and municipal conservation commissions is also shortened. Vote 14-0.

**Amendment (2805h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Fill and Dredge in Wetlands; Notification for Certain Minimum Impact Projects; Rulemaking Authority for Activities not Requiring a Permit. Amend RSA 482-A:11, VI to read as follows:

VI. The commissioner may adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process *or permit by notification process* for certain minimum [and ~~minor~~] impact projects. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

*VII. The commissioner may adopt rules, pursuant to RSA 541-A, identifying those activities within the jurisdiction of RSA 482-A that may be conducted without obtaining a permit, consistent with the provisions of this chapter.*

2 Administrative Provisions; Permit by Notification. Amend RSA 482-A:11, III to read as follows:

III.(a) Upon written notification to the department by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall suspend action upon such notice and shall not make its decision on the notice of a minor *or minimum impact* project nor hold a hearing on it if a major project until it has received and acknowledged receipt of a written report from such commission, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier, subject to an extension as permitted by the department. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. If a conservation commission makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation commission pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

*(b) Relative to any permit by notification under paragraph VI, the provisions of subparagraph (a) shall be modified as follows:*

*(1) The 40 day suspended action limit is reduced to 21 days; and*

*(2) The notification by a municipal conservation commission of intended investigation shall be assumed unless the application filed under RSA 482-A:3 was signed by the conservation commission, or, if one has not been established in the municipality, by the local governing body, in which case the provisions of subparagraph (a) shall not apply.*

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill allows the commissioner of the department of environmental services to exempt certain activities of minor impact from the dredge and fill permitting process.

**HB 1252**, relative to the membership of the wetlands council. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill modifies the membership of the wetlands council to eliminate the conflict of a council member from the Department of Environmental Services (DES) from overseeing the work of DES. It also broadens the membership to include representation by a natural resource scientist, and an appointee by the Commissioner of the Department of Agriculture in recognition of the impact wetland regulations have on the agricultural community. To increase public representation in the wetlands appeal process, a member of the Executive Council shall also be appointed to the Wetlands Council. Vote 14-0.



**Amendment (2690h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Wetlands Council: Membership. Amend RSA 21-O:5-a, I and II to read as follows:

I. There is established a wetlands council for the purpose of implementing the provisions of law conferring on the department authority to decide matters relative to resources of the state, including, but not limited to, excavating, dredging, and filling waters of the state. Appointees and officials shall have voting rights as members of the wetlands council; provided, however, that nothing in this section shall be construed as affecting other duties of the department with reference to dams, water levels, and administration of the department of environmental services. The wetlands council shall be composed of the following:

(a) The executive director of the department of fish and game or designee.

(b) The commissioner of transportation or designee.

(c) The commissioner of resources and economic development or designee.

(d) The director of the office of state planning or designee.

(e) The commissioner of the department of ~~[environmental services or designee]~~ **agriculture, markets, and food, or designee.**

(f) ~~[The commissioner of safety or designee]~~ **An executive councilor, or an alternate executive councilor, appointed for a 1-year term by the executive council.**

(g) ~~[Six]~~ **Seven** members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor, or former supervisor, of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; **one shall be a natural resource scientist and be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists;** one shall be a member of the non-marine construction industry at the time of appointment, and be nominated by the governor; one shall be a member of the marine construction industry at the time of appointment and be nominated by the governor; and one shall have experience in environmental protection and resource management at the time of appointment and be one of 4 nominees submitted, 2 each, by the New Hampshire Audubon Society and the Society for the Protection of New Hampshire Forests. One member of the council shall be elected annually as chairperson by the members of the council.

II. The ~~[6]~~ 7 members appointed under subparagraph I(g) shall be entitled to expenses and \$50 compensation per diem. The other members of the council shall receive no additional compensation for their service as members of the council, other than their regular salaries from their respective state departments, but shall receive mileage and other expenses paid at the rate set for state employees.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1134, relative to lighting requirements for motor vehicles and trailers. OUGHT TO PASS WITH AMENDMENT**

Rep. John W. Flanders for Transportation: This bill and amendment clarifies the law that if a motor vehicle is manufactured with multiple stop lamps or tail lamps, they must be in working order. Vote 13-0.

**Amendment (2709h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Equipment of Vehicles; Stop Lamps; Multiple Stop Lamps. Amend RSA 266:38 to read as follows:

266:38 Stop Lamps. It shall be unlawful for any person to drive any motor vehicle, including any motorcycle, *moped* or motor-driven cycle, full trailer, trailer, or semi-trailer in this state unless it is equipped with ~~[a]~~ **one or more** stop ~~[lamp]~~ **lamps** in working order at all times; provided, however, that stop lamps shall not be required on a farm tractor, **and further provided that whenever a vehicle is manufactured with multiple stop lamps or stop lamps with multiple bulbs or filaments, each of the lamps, bulbs, or filaments shall be in working order.**

2 Equipment of Vehicles; Tail Lamp and Reflectors; Multiple Tail Lamps. Amend RSA 266:44 to read as follows:

266:44 Tail Lamp and Reflectors. Every motor vehicle and trailer or any combination of vehicles, when on the ways of this state at night, shall have on the rear thereof, and to the left of the axis thereof, one lamp, displaying a red light visible for a distance of at least 1000 feet to the rear of such vehicle, and a white light illuminating the registration plate of such vehicle so that the characters thereon shall be visible for a distance of at least 50 feet, except that passenger cars manufactured or assembled after January 1, 1952, shall have at least 2 tail lamps, *one to either side of the axis thereof*. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable. All tail lamps on any vehicle shall be located at a height of not more than 72 inches nor less than 20 inches from the ground, measured from the ground to the center of the reflector, and shall be placed in such manner as to indicate the extreme width of the vehicle and load and to reflect rays of light thrown upon such reflector. The visibility of such reflectors shall not be impaired at any time. *Whenever a vehicle is manufactured with multiple tail lamps or multiple bulbs or filaments in the tail lamps, each of the lamps, bulbs, or filaments and any other exterior lighting equipment with which the vehicle was manufactured shall be in working order.*

3 Effective Date. This act shall take effect January 1, 2003.

#### AMENDED ANALYSIS

This bill provides that a motor vehicle, full trailer, or semi-trailer may be equipped with more than one stop lamp. This bill also requires that when a vehicle is manufactured with multiple stop lamps, multiple tail lamps, or stop lamps or tail lamps with multiple bulbs or filaments, each of the lamps, bulbs, or filaments shall be in working order.

This bill was requested by the police standards and training council.

**HB 1475**, establishing a committee to study the use of state-issued identification by law enforcement to enhance public safety. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The committee understands the sponsors' intent and purpose, however, this bill as written outlines many specific duties that cannot be reasonably achieved within the study timeframe. Additionally, other duties are not within the state's current technology ability as related to driver identifications (IDs). The committee also felt that the threat of terrorism is not within the current experience of our legislature. Congress has tasked many Federal agencies to come up with Federal guidelines concerning these issues. The committee felt that it would be best to hold off on any action until Congress makes its recommendations. Vote 13-0.

**CACR 31**, relating to the valuation of real estate. Providing that real property in the state shall be valued in accordance with the method enacted into law by the general court and at such times as it shall order. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: The committee, in a bipartisan vote, agreed that recent court decisions, legislative action, and the ongoing work of the Department of Revenue Administration to establish a fair and uniform statewide real estate valuation system obviates the need for this bill. Its passage would confuse our citizens and undercut the progress that has been made to ensure a fair and uniform system. Vote 13-1.

**CACR 36**, relating to the funding of public education. Providing that the state shall fund an amount not less than 40 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. **REFER FOR INTERIM STUDY**

Rep. Frank V. Sapareto for Ways and Means: The majority of the committee believes that there is some merit to this CACR. At this point some of the amendment's concepts are vague. It is believed that an interim study committee would easily be able to clear up some of these issues. At the sponsor's request, we have decided the best place for this bill is in interim study. Vote 15-2.

**HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program. **INEXPEDIENT TO LEGISLATE**

Rep. Vivian R. Clark for Ways and Means: This bill would have imposed high registration fees on companies which calibrate measuring equipment in order to fill a dedicated fund. That fund would then pay for the maintenance and repair of the state weights and measures laboratory's equipment. The committee believes this is an inappropriate way to fund a normal expense of the department. A non-lapsing budget line would be preferred. Vote 13-1.

**HB 1234-FN**, relative to an education property tax cap for retired residents. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: Although the committee agrees that the issue of tax relief for low income senior citizens needs to be addressed, this bill, as written, has several technical problems. The prime sponsor agreed to send the bill to interim study to work on correcting those problems so the bill actually accomplishes what the sponsor had intended. Vote 14-2.

**HB 1235**, relative to operation of motorized vessels and safe boater education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: At the request of the Department of Safety, this bill would replace a boater's acknowledgement of familiarity with safe boating regulations with a required exam and Boater Safety Certificate. A boater safety course, including the exam, is available online and could also be offered by agents. The amendment sets the fee for the certificate at \$15, which will cover the cost of its issue. It also limits the fee an agent could charge for the course to \$35, and eliminates a small dedicated fund. Vote 14-0.

**Amendment (2703h)**

Amend the bill by replacing section 7 with the following:

7 Safe Boater Education; Course Fee; Navigation Safety Fund. Amend RSA 270-D:17 to read as follows:

270-D:17 ~~[Course Fee]~~ **Fees.**

**I. The department shall charge a fee of \$15 for issuing a safe boater education certificate.**

**II.(a)** The department~~[-or its agents;]~~ **may charge a fee** for offering a safe boater education course or exam ~~[may charge a fee]~~. The fee shall not exceed the costs incurred by the department~~[-or its agents;]~~ in offering the course or exam ~~[and shall not exceed \$50]~~.

**(b) Agents of the department may charge a fee for offering a safe boater education course or exam.**

**III. The total of all fees that a person may be required to pay under this section shall not exceed \$50.**

**IV. Fees collected by the department under this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.**

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 13:

9 New Section; Department of Safety; Division of Safety Services Report and Budget. Amend RSA 21-P by inserting after section 10-a the following new section:

21-P:10-b Division of Safety Services Report and Budget.

I. The department of safety shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the division of safety services, the revenue generated from safe boater education certificates, and the budget and revenue projections of the division.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the division of safety services, the revenue generated from safe boater education certificates, and all revenues and expenditures of the navigation safety fund established in RSA 270-E:6-a.

10 Boat Safety Course; Boat Safety Fund Changed to Navigation Safety Fund. Amend RSA 270:46-a to read as follows:

270:46-a ~~[Boat Safety Fund;]~~ Boat Safety Course.

I. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services shall be assessed an

administrative penalty of \$200 to be paid to the director of safety services who shall forward such sum to the state treasurer for deposit in the ~~[boat]~~ *navigation* safety fund *established under RSA 270-E:6-a:*

- (a) RSA 270:12-b, disobeying an officer.
- (b) RSA 270:29-a, careless and negligent operation of boats.
- (c) RSA 270:50, refusal of consent.
- (d) RSA 270:48-a, operating boats under the influence of liquor or drugs.

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety course as specified in rules adopted, under RSA 541-A, by the director of safety services shall have his *or her* \$200 refunded to him *or her* from the ~~[boat]~~ *navigation* safety fund by the director. ~~[All moneys deposited in the boat safety fund shall be continually appropriated to the division of safety services.]~~

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services, and who has not already successfully completed an approved boating safety course shall complete a boat safety course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety course within 6 months may be prevented from reregistering the boat:

- (a) Laws or rules relative to speed limit, safe passage, or personal flotation devices.
- (b) RSA 270:37, decibel limits on noise.

11 Boating Safety Checklist; Registration Checklist Deleted. Amend RSA 270-D:2-c to read as follows:

270-D:2-c Boating Safety Checklist.

I. ~~(a) No person shall register a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the registrant initials the checklist portion of the registration form, prepared by the department of safety, which certifies the registrant's knowledge of boating safety laws.~~

~~(b) No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's knowledge of boating safety laws.~~

II. ~~(a) The [registration checklist and] rental safety checklist shall include, but shall not be limited to, knowledge of the following provisions of the marine laws:~~

- ~~(1) Safe passage.~~
- ~~(2) DWI.~~
- ~~(3) Headway speed.~~
- ~~(4) Safety equipment.~~
- ~~(5) Navigational lights requirements.~~

~~(b) The checklists shall include a provision which states that the [registrant or] rental operator is responsible for anyone who operates the vessel in accordance with RSA 270-D.~~

III. ~~The [registration checklist and] rental safety checklist shall include a provision in which the [registrant] operator acknowledges that the director may require the [registrant or] operator to attend a boat safety course, as provided in RSA 270:46-a, for violating any of the boating laws or rules of the division.~~

12 Repeal. RSA 6:12, I(z), relative to the boat safety fund, is repealed.

#### AMENDED ANALYSIS

This bill:

I. Makes laws relative to safe boater education and the minimum age of operation of motorized vessels apply only to the operation of vessels with greater than 25 horsepower. Currently, these laws apply only to the operation of vessels with greater than 15 horsepower.

II. Limits when a person under 16 years of age may not operate a motorized vessel.

III. Limits the issuance of safe boater certificates to persons 16 years of age or older.

IV. Directs certain fees to the navigation safety fund.

V. Requires the department of safety to submit an annual report on the division of safety services.

VI. Eliminates the boat safety fund.

VII. Eliminates the boating safety registration checklist.

**HB 1317-FN-A-L**, targeting aid for education to certain school districts. **REFER FOR INTERIM STUDY**

Rep. Frank V. Sapareto for Ways and Means: This bill when finished is designed to provide a fair and more accurate method of education funding. The committee wishes to proceed with exploring the issues in this bill, however, there are various technical difficulties that, due to time constraints, remain unresolved. The committee feels more time is necessary to work the details out, and the most important venue for this will be interim study Vote 16-0.

**HB 1427-FN-A-L**, establishing a property tax relief program for low income homeowners. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: The original bill, with the agreement of the prime sponsor, was replaced with an amendment by another sponsor which was to replace the entire bill. However, there were several changes to the bill as amended that the sponsor was still attempting to make, and did not have the time to do so. At the sponsor's suggestion, the committee voted to send the bill to interim study. Vote 15-0.

**HB 1438-FN-A**, relative to fees collected by the attorney general. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Ways and Means: HB 1438 would increase some, and create other, business registration fees in order to fund a new dedicated fund whose monies would be used to offset the costs of operating the Consumer Protection Bureau in the Office of the Attorney General. The original bill would have targeted eight types of businesses with increased or newly enacted registration fees. The committee believes that these eight fees unfairly target a very small population of our business community. The amendment eliminates the dedicated fund and establishes a fee for the registration of health clubs to register with the Office of the Attorney General, but does not call for a registration fee or a fine for not filing. This has led to many health clubs not following the required registration requirements with no consequences for non-compliance. The amendment imposes an annual fee of \$100 on all health clubs and would impose a \$1,000 administrative assessment for failure to register. The committee believes that this fee will adequately cover the costs incurred by the Department. Vote 17-0.

**Amendment (2778h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to registration of health clubs.

Amend the bill by replacing all after the enacting clause with the following:

1 Health Clubs; Registration; Fee. Amend RSA 358-I:8, I to read as follows:

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general. Such registration statement ~~[shall be updated annually, and]~~ shall contain the name and address of the health club; the names and addresses of the officers, directors, and those stockholders who hold in excess of 20 percent of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years. *A new registration statement shall be filed annually by the anniversary date of the filing of the original registration statement. Each registration statement shall be accompanied by a registration fee of \$100. Any person failing to file a registration statement within 90 days of the date due shall be subject to an administrative assessment of \$1,000.*

2 Effective Date. This act shall take effect July 1, 2002.

**AMENDED ANALYSIS**

This bill establishes registration fees for health clubs and administrative assessments for the late filing of health club registration statements.

**REGULAR CALENDAR**

**HB 1301**, relative to grounds for divorce for persons with minor children. **REFER FOR INTERIM STUDY**

Rep. Carolyn M. Gargasz for Children and Family Law: The committee felt that the intention of the bill is laudable, to keep families with minor children intact and to reduce divorce. However, to

remove irreconcilable differences as a reason for divorce and to revert to fault divorce for these families would cause more harm than good. In most cases divorce would still occur. For a parent to prove fault against the other parent would make divorce more acrimonious and more expensive. It would also make cooperation and co-parenting post-divorce more difficult. It was felt it would be more effective to take measures to strengthen marriage and deal with problems before a couple files for divorce. Vote 10-3.

Adopted.

**HB 1150, relative to insurance compliance self-audits. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen G. Avery for the Majority of Commerce: This bill would allow insurance companies the ability to conduct internal insurance compliance self-audits, audits aimed at uncovering areas when the insurance company may have broken the law. Secondly, although the company must report the problems to the insurance department, it would also give them the privilege to keep the information secret, immune from discovery, even when a New Hampshire consumer is injured by the insurance companies' bad acts. During the public hearing and the subcommittee work session, there was no evidence presented indicating that there is a problem that warrants this kind of law. Similar legislation has been defeated in Maine, Massachusetts, Connecticut, Rhode Island, New York and other states. While four states have enacted similar laws there is no compelling need for New Hampshire to do so. The whole Enron situation should raise a red flag, a warning that not all companies act properly, and that the manipulation and abuses relating to corporate audits does exist. The majority of the committee feels that this is not the time to give insurance companies this privilege. Vote 10-7.

Rep. Paul D. Spiess for the Minority of Commerce: Insurance is one of the most heavily regulated industries under state supervision. The myriad of laws, rules and regulations imposed at both the state and federal level make it extremely difficult for insurers to comply without constant internal and external audit examination and self-critical evaluation. This bill was intended to address the conflict between an insurer's desire to evaluate its business practices with an equally strong desire not to expose themselves unduly to litigation. The original bill would have exempted all the information developed by an internal audit or self-evaluation from "discovery" in legal action against the insurer. This privilege or protection is intended to encourage insurers to uncover and correct problems without the worry that their efforts would be turned against them in a court of law. The subcommittee, with input from the Insurance Department, amended the bill to limit this privilege only to the analysis and conclusions of the audit, not to the underlying facts of the examinations. In addition, the privilege would not extend to the insurance department, which would have full access to the entire report. Further, the amended bill would have required the insurer to take corrective action if a problem or violation were uncovered. If we want to encourage good business practices we must provide incentives for complex commercial entities to self evaluate their compliance with the law without running the risk that their efforts can be used against them in class action litigation. Any effort to compare this piece of legislation to the Enron fiasco is a disservice to the industry, the insurance department and the subcommittee that worked hard to encourage positive business practices.

Majority report adopted.

**HB 1159, prohibiting mail-order pharmacies from substituting generic drugs without written authorization. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The language in the amended version of this bill is modeled after administrative rule Ph 704.06. This legislation, as amended, would allow pharmacists to substitute generic drug products for all legend and non-legend prescriptions unless the practitioner specifies that the brand name drug product is medically necessary. Vote 10-5.

**Amendment (2591h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to substituting generic drugs for legend and non-legend drugs.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Pharmacies May Substitute Generic Drugs. Amend RSA 318 by inserting after section 47-c the following new section:

318:47-d Pharmacies; Substituting Generic Drugs. Pharmacies, including mail-order pharmacies, may substitute generically equivalent drug products for all legend and non-legend prescriptions unless the prescribing practitioner specifies that the brand name drug product is medically necessary.  
2 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill authorizes pharmacies, including mail-order pharmacies, to substitute generically equivalent drugs for legend and non-legend drugs unless the prescribing practitioner specifies that the brand name drug is medically necessary.

Adopted.

Report adopted and ordered to third reading.

**HB 1365-FN**, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for the Majority of Criminal Justice and Public Safety: Most day to day medical care in county jail facilities is provided by on-site medical staff. When hospital care is required, the cost to county budgets is expensive and unpredictable. Due to changes in federal laws, inmates at county jails no longer qualify for Medicaid benefits. Counties are responsible for all medical costs incurred by inmates. The common practice at hospitals is to charge inmate patients the full cost of care with steep profits built in. Although the subcommittee encouraged the differing parties to negotiate a fair standard of cost and payment so that legislation could be avoided, they were unable to do so. This legislatively set formula allows hospitals to charge 110% of the current Medicare rate to county jails. This rate approximates accepted, private insurance rates commonly used in this industry. This bill is a reasonable approach to addressing sky-high health care costs that allow hospitals to realize a fair market profit while protecting counties from unregulated, excessive medical costs. Vote 9-5.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: Having the state dictate by law to any private or non-profit business what it must charge for any service or product is not a path the New Hampshire legislature should walk. The process of negotiation between business and the state or counties for services or products is our long-term, time-honored, proven tradition. It works well. It should not be changed by a law, no matter how well-intended.

### Majority Amendment (2715h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs: Reimbursement Rate for Medical Care for Inmates Incarcerated in the County Prison Systems Established. Amend RSA 623:1 by inserting after paragraph II the following new paragraphs:

III.(a) Except as provided in subparagraphs (b) through (f) and notwithstanding any provision of law to the contrary, no hospital or emergency room shall charge a county or their agent more than 110 percent of the Medicare allowable rate for inpatient or emergency room care provided for inmates in county correctional facilities.

(b) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

(c) Hospitals reported by the department of health and human services as having a negative operating margin in the most recent year for which hospital-audited financial data is available shall charge no more than 125 percent of the Medicare rate.

(d) A superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action is necessary to ensure inmate access to medically necessary care.

(e) A superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

(f) Nothing in this paragraph shall require a hospital to admit any person.

IV. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the county department of corrections, including the medicaid pro-

gram, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The superintendent may waive the application of paragraph III if the superintendent determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the county or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The county commissioners shall adopt necessary rules and regulations to implement this paragraph.

2 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill requires that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 1433**, prohibiting constructive possession of alcohol by minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for the Majority of Criminal Justice and Public Safety: HB 1433 was the result of a two-year study dealing with DWI and its penalties. Testimony was received from law enforcement and others, including the administrative judge for the district courts, about the lack of ability to charge a person under the age of 21, who cannot legally consume alcoholic beverages, with possession, even though they have consumed large quantities. This contributes to the abuse of alcohol in our cities and towns by underage drinkers. HB 1433 addresses this problem in two ways. It allows voluntary use of a testing device to determine the alcohol concentration, or by observation, that the underage person has consumed the alcoholic beverage and is intoxicated. The minority of the committee felt that this was a violation of search and seizure. There is nothing in HB 1433 that compels the underage person to take any test, and there is no penalty for refusal. Therefore it meets that the constitutional requirements. The majority of the committee felt that this was a public safety issue that needed to be addressed. Vote 10-4.

Rep. William J. Kelley for the Minority of Criminal Justice and Public Safety: This bill, although well intended, does not pass the test of constitutionality. *Welsh vs. Wisconsin*, 466 US 740 (1984). The United States Supreme Court has held that the "exigent circumstances" warrant exception cannot be constitutionally applied to certain evidence of petty offenses not punishable by imprisonment. The only possible justification for allowing the police to compel a minor to take a warrantless breath test would be "exigent circumstances" needed to ascertain the minor's alcohol level. The crime in question, minor in possession of alcohol, is a petty offense not punishable by imprisonment. The bill is a clear violation of 4th and 5th amendment rights.

### Majority Amendment (2511h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting intoxication and constructive possession of alcohol by minors.

Amend the bill by replacing section 1 with the following:

I Alcoholic Beverages; Unlawful Possession; Intoxication and Constructive Possession. Amend RSA 179:10 to read as follows:

179:10 Unlawful Possession *and Intoxication*.

*I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, or who demonstrates constructive possession by having an alcohol concentration as defined in RSA 259:3-b of .02 or more, shall be guilty of a violation and shall be fined a minimum of \$250. Any second and subsequent offense shall be fined at least \$500. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.*

*II. Except for persons convicted on the basis of constructive possession, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.*



## AMENDED ANALYSIS

This bill establishes that a person under the age of 21 is guilty of unlawful possession of alcohol if he or she demonstrates constructive possession by having an alcohol concentration of .02 or more, and is guilty of a violation if he or she is intoxicated by consumption of an alcoholic beverage.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 1190**, relative to local school management of teacher hiring and retention. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: This bill, as amended, gives much needed flexibility to our local school districts to hire non-certified teachers in cases where a critical local shortage exists or where there is an exceptional individual available to teach who is not certified. The majority of the committee strongly felt that giving this limited authority to local districts, as opposed to the current system in which the state wields almost total control, is long overdue. There is every reason to believe that local school leaders will work to assure that the best available person is recruited to teach because they are on the front lines of assuring educational excellence. Vote 15-3.

**Amendment (2607h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a one-year certificate of eligibility to teach.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; School Boards; Critical Staffing Shortages; One-Year Certificate of Eligibility. Amend RSA 189 by inserting after section 39 the following new sections:

189:39-a Critical Staffing Shortages. Notwithstanding a determination of critical staffing shortage made by the department of education, a superintendent, with the approval of the local school board, may determine that a critical staffing shortage exists in one or more specific teaching areas within the school district. The department of education shall be notified of any critical staffing shortages which have been determined in a school district within 30 days of such determination.

189:39-b One-Year Certificate of Eligibility.

I. The local school board, in consultation with the superintendent, may offer a one-time, one year certificate of eligibility to any person interested in teaching on a full-time or part-time basis, without requiring a person to possess a teaching credential, teaching license, or other teaching certification provided that such person:

- (a) Possesses at least a bachelor's degree from an accredited postsecondary institution.
- (b) Is subject to a background investigation pursuant to RSA 189:13-a.
- (c) Is qualified for the position by relevant experience and education.

II. The school board, with input from the superintendent, shall formulate the terms of the certificate of eligibility which shall contain no tenure provisions.

III. The department of education shall be notified of the issuance of all certificates of eligibility within 30 days of the date of issuance.

IV. Any person who has had a teaching credential, teaching license, or other teaching certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as a teacher under another provision of law, shall not be eligible to teach under this section.

V. No person shall be offered more than one certificate of eligibility under this section.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill allows a local school board or superintendent to offer a one-time, one-year certificate of eligibility allowing a person to teach on a full-time or part-time basis, without requiring such person to possess a teaching credential, teaching license, or certification, provided certain conditions are fulfilled. The bill also authorizes a superintendent with the approval of the local school board to determine that a critical shortage areas exists in any teaching area within the school district.

Adopted.

Report adopted and ordered to third reading.

**HB 1244**, establishing a committee to study the curriculum content of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: The sponsor of this bill was concerned that the existing study groups and commissions were not moving forward rapidly enough. Testimony from the two members of the Education Committee who are on the Adequacy Commission indicated that they and the other members of the Commission are actively pursuing the adequacy issue and the many facets it covers. Vote 14-4.

Adopted.

**HB 1260-FN**, relative to certification and licensing of teachers and school administrators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The amendment requires the State Board of Education to adopt rules for the recertification of teachers by using a peer review process. This process could include rules for mentoring as part of the process. Vote 13-5.

**Amendment (2686h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; State Board of Education; Rulemaking. Amend RSA 186:8 by inserting after subparagraph V the following new subparagraph:

VI. Peer review procedures for the recertification of teachers, provided that such recertification shall be available to teachers who hold a valid teaching credential and have been teaching for 5 or more years in the elementary or secondary schools of this state.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires the state board of education to adopt rules for the recertification of teachers through a peer review process, provided the teacher holds a valid teaching credential and has been teaching for 5 or more years in the elementary or secondary schools of this state.

Adopted.

Report adopted and ordered to third reading.

**HB 1474**, relative to creating county commissioner districts in Strafford county. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: The bill as presented to the committee would have established three separate county commissioner districts in Strafford County. The committee heard no compelling evidence as to why things should change. The argument was made that the nine other counties do this, why shouldn't Strafford? Strafford County is unique in that it is the smallest county in land mass and is serviced by only one daily paper. The end result is the concerns of all citizens are heard no matter where they reside. As chance may have it, the current commissioners now are from different regions of the county. This committee applauds the attempts by the sponsor, but is uncomfortable changing the law without just cause. Vote 15-2.

Adopted.

**HB 1267-FN-L**, relative to a ban on landfilling and incinerating aluminum cans. **WITHOUT RECOMMENDATION**

Rep. Babson moved Inexpedient to Legislate and spoke in favor.

Adopted.

**HB 1313**, relative to spreading sludge on excavation sites for reclamation. **REFER FOR INTERIM STUDY**

Rep. James G. Phinizy for Environment and Agriculture: The basic premise of this legislation is sound. However, further work is necessary to clarify certain definitions and references. While the Interim Study is being completed, "EPA" and the "The McDowell" Report will be published and will aid completion of this Interim Study. Vote 10-9.

Adopted.

**HB 1318**, relative to the regulation of the use of pharmaceutical agents by licensed optometrists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: New Hampshire optometrists have had the authority to diagnose glaucoma for over eight years. This bill begins the first step in allowing optometrists to treat this disease. The subcommittee reviewed numerous drafts and amend-

ments to assure the committee that all possible avenues have been taken to ensure patient safety. The amendment provides a process whereby an optometrist can be certified to treat glaucoma patients, by a collaborative agreement between the patient, the optometrist and the ophthalmologist. In addition, optometrists will complete at least 40 hours of classroom education on medical issues relating to glaucoma and its treatment and then pass an examination approved by the Board of Optometry. After certification, optometrists shall refer each new glaucoma patient within 30 days to an ophthalmologist for confirmation of diagnosis and review of the treatment plan. The committee felt that this approach adequately addresses the issue of patient safety. Vote 13-1.

### Amendment (2822h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

Amend the bill by replacing all after the enacting clause with the following:

I Definitions Amended; Pharmaceutical Agent; Practice of Optometry. Amend RSA 327:1, III and IV to read as follows:

III. "Pharmaceutical agent" means the following pharmaceutical products:

(a) Non-legend, over the counter, agents.

(b) Mydriatic and cycloplegic agents which are topically applied.

(c) Miotic agents approved by the joint pharmaceutical formulary **[board]** and **credentialing committee** and included in the formulary.

(d) Antibiotics, sulfonamides, and combinations thereof, which are topically applied or orally administered to treat or alleviate the effects of disease or abnormal conditions of the human eye, adnexa, and eyelids, excluding ~~[treatment of the lacrimal drainage system;]~~ the lacrimal gland, or structures posterior to the iris, approved by the joint pharmaceutical formulary **[board]** and **credentialing committee** and included in the formulary.

(e) *Anti-allergy medications, including but not limited to* antihistamines, decongestants and mast-cell stabilizers which are topically applied.

(f) Anesthetics and dyes which are topically applied.

(g) Ocular lubricants and hypertonic agents which are topically applied.

(h) Orally administered analgesic agents used for the purpose of alleviating pain caused by a disease or abnormal condition of the human eye or eyelid, excluding ~~[treatment of the lacrimal drainage system;]~~ the lacrimal gland, or structures posterior to the iris. This may include class III and IV controlled substances approved by the joint pharmaceutical formulary **[board]** and **credentialing committee** and included in the formulary.

(i) Other pharmaceutical agents, any solely diagnostic agents, and diagnostic agents combined with pharmaceutical agents as defined in this paragraph and as approved by the joint pharmaceutical formulary **[board]** and **credentialing committee**.

(j) Non-steroidal anti-inflammatory agents approved by the joint pharmaceutical formulary **[board]** and **credentialing committee** and included in the formulary

(k) *Anti-glaucoma agents which are topically applied provided that optometrist may dispense or prescribe such agents if the optometrist has met the requirements of RSA 327:6-c.*

(l) *Corticosteroids which are topically applied, as approved by the joint pharmaceutical formulary and credentialing committee.*

(m) *Antivirals which are topically applied, provided that prior to dispensing or prescribing the therapeutic pharmaceutical agent certified optometrist shall consult with an ophthalmologist with whom he or she has a collaborative relationship. The consultation shall be in a manner to be determined by the ophthalmologist.*

(n) *Corticosteroids or antivirals, provided that optometrists with patients on corticosteroids or antivirals who demonstrate no improvement in 10 days shall be referred to an ophthalmologist.*

IV. "Practice of optometry" means the employment of any methods or means, other than surgery, for the:

(a) Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

(b) Diagnosis and treatment of any visual or muscular anomaly of the visual system.

(c) Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

(d) Prescribing, administering or dispensing of pharmaceutical agents.

(e) The application or removal of Food and Drug Administration approved medical devices as approved by the board and consistent with the practice of optometry as set forth in this chapter including, but not limited to, contact lenses and punctal plugs.

~~["Practice of optometry" shall not include and nothing in this chapter shall authorize or allow the treatment of glaucoma or other intraocular pressure elevation, or the prescribing, administering, or dispensing of cortico-steroids in any form.]~~

*(f) Diagnosis of acute angle closure glaucoma. Upon such diagnosis, an optometrist may administer emergency care and shall immediately refer the patient to an ophthalmologist. Oral pharmaceutical agents may be used for the emergency treatment of acute angle closure glaucoma.*

2 Joint Pharmaceutical Formulary and Credentialing Committee. RSA 327:6-b is repealed and reenacted to read as follows:

327:6-b Joint Pharmaceutical Formulary and Credentialing Committee.

I. The joint pharmaceutical formulary and credentialing committee shall be comprised of 3 optometrists licensed under RSA 327 appointed by the New Hampshire Optometric Association, 3 ophthalmologists licensed under RSA 329 appointed by the New Hampshire Society of Eye Physicians and Surgeons, and 3 pharmacists licensed under RSA 318 appointed by the pharmacy board. Members shall serve terms of 5 years and shall not be eligible for a second consecutive term. The initial members shall be appointed for staggered terms as follows: one optometrist, one ophthalmologist, and one pharmacist for a term of 5 years; one optometrist, one ophthalmologist, and one pharmacist for a term of 4 years; and one optometrist, one ophthalmologist, and one pharmacist for a term of 3 years. All members shall be residents of the state of New Hampshire. Neither they nor their spouses shall have any material financial interest in the provision of eye care services other than that which is directly related to the practice of their professions. Matters to be brought before the board shall be filed in writing with the chairperson at least 30 days prior to the scheduled meeting. Any member of the committee may submit items to be assigned to the agenda for consideration. Agendas shall be posted on the board of optometry's public access Internet site at least 10 days prior to committee meetings.

II. The committee shall meet quarterly to:

(a) Review glaucoma reporting forms and develop prescription drug protocols;

(b) Develop a glaucoma reporting form and patient consent form;

(c) Approve corticosteroids for optometric use;

(d) Determine which combination medications shall be considered one medication for the purposes of treating glaucoma patients.

(e) Provide minutes of their meetings to the board, the board of medicine, and the pharmacy board;

(f) Determine which optometrists have successfully completed the requirements of RSA 327:6-c and maintain a list of such optometrists; and

(g) Maintain a current list of approved prescription drugs which shall be available from the board.

III. Violations of this section shall be reported in writing to the board of pharmacy and to the board of registration in optometry, which shall investigate alleged violations and take disciplinary actions as appropriate under RSA 327:20. The joint pharmaceutical formulary and credentialing committee shall be apprised of all reported violations of this section and shall receive copies of all reports, findings, and disciplinary action taken. The use of any pharmaceutical agents by an optometrist not authorized under RSA 327:6-a or, other than those agents described in RSA 327:1 or those approved by the joint pharmaceutical formulary and credentialing committee shall be considered a violation of RSA 327:20.

3 New Section; Treatment of Glaucoma. Amend RSA 327 by inserting after section 6-b the following new section:

327:6-c Treatment of Glaucoma.

I.(a) Optometrists seeking authorization to treat glaucoma shall complete at least 40 hours of classroom education, approved by the board, incorporating: epidemiology of the glaucomas; genetics of the glaucomas; anatomy, physiology and mechanics of aqueous inflow and aqueous outflow; optic nerve anatomy and pathophysiology; neurotoxicity and neuroprotectants; receptor biology; pharmacology, clinical use and toxic effects of alpha and beta adrenergic agents, carbonic anhydrase inhibitors, prostanoids and cholinergic agents.

(b) Optometrists shall pass an examination approved by the board that covers the educational components listed in subparagraph (a). Upon passage of such exam, the optometrists shall have prescriptive authority during the clinical management period pursuant to RSA 327:6-a.

(c) The board may waive the requirements of subparagraphs (a) and (b) for optometrists who have graduated after 2002.

II.(a) To be authorized to initiate treatment of glaucoma for patients 18 years of age or older, a therapeutic pharmaceutical agent certified optometrist shall complete the educational requirements in paragraph I and provide evidence of written referrals and consultations with an ophthalmologist. For purposes of this section, "glaucoma" means primary open-angle glaucoma; "ophthalmologist" means a physician licensed under RSA 329 with a specialty in ophthalmology; and "treatment" means the use of no more than 2 concurrent topical prescription glaucoma medications. The joint pharmaceutical formulary and credentialing committee shall review evidence of glaucoma co-management submitted pursuant to subparagraph (b).

(b) Except as provided in paragraph III, therapeutic pharmaceutical agent certified optometrists are required to provide evidence of successful collaborative treatment and co-management of 40 glaucoma patients, up to 20 of which may be established patients, during a period of not less than 18 months for each patient, to ophthalmologists according to the following criteria:

(i) A new or existing glaucoma patient is examined and diagnosed by the optometrist;

(ii) The optometrist develops a proposed treatment plan and forwards the plan with examination documentation to an ophthalmologist for consultation;

(iii) The ophthalmologist, examines the patient and reviews the optometrist's examination documentation and proposed treatment plan;

(iv) The ophthalmologist, optometrist, and patient mutually agree to and document a treatment plan;

(v) The optometrist shall refer the patient within 30 days to the co-managing ophthalmologist when any of the following occurs: the patient's target pressure is not reached within 90 days; the patient requires more than 2 prescription glaucoma medications; the patient is experiencing progression of optic nerve damage or visual field loss; or the patient develops angle-closure or other secondary glaucoma; and

(vi) For each glaucoma patient the optometrist shall complete a glaucoma credentialing reporting form and submit the form to the joint pharmaceutical formulary and credentialing committee upon completion of the 18 months of treatment.

III. The following categories of optometrists may petition the joint pharmaceutical formulary and credentialing committee to waive or reduce the consultation requirement from 40 to 20 patients:

(a) Optometrists who have graduated after 2002;

(b) Optometrists with proof of 12 months of credentialed privileges to treat glaucoma by the U.S. Department of Defense, U.S. Department of Veteran Affairs, or the National Indian Health Service;

(c) Optometrists with a license and proof of practice for 12 months in another state that currently authorizes the treatment of glaucoma by optometrists; or

(d) Optometrists who have completed a 12-month accredited optometric residency program or its equivalent.

IV.(a) Upon certification to treat glaucoma patients, for a period of 24 months, optometrists shall refer each new glaucoma patient within 30 days to an ophthalmologist for confirmation of diagnosis and review of treatment plan. After the 24-month period, optometrists shall consult with an ophthalmologist upon diagnosis of a new glaucoma patient. An optometrist shall refer a glaucoma patient within 30 days when any of the following occurs:

(i) The patient's target pressure is not reached within 90 days;

(ii) The patient requires more than 2 prescription glaucoma medications;

(iii) The patient is experiencing progression of optic nerve damage or visual field loss; or

(iv) The patient develops angle-closure or other secondary glaucoma.

(b) Upon certification to treat glaucoma patients, the board shall issue a license awarding the optometrist with a "tpa/g" certification.

4 Continuing Education; Pharmaceutical and Glaucoma Certification. RSA 327:33-a is repealed and reenacted to read as follows:

327:33-a Continuing Education Courses Required for Pharmaceutical and Glaucoma Certification.

I. An optometrist certified to use pharmaceutical agents in the practice of optometry shall complete a minimum of 50 hours of continuing education every year in order to maintain pharmaceutical certification. A minimum of 20 hours shall be by participation in formal courses and the remainder by independent study. Each optometrist shall report continuing education hours to the board annually in accordance with rules adopted by the board for the implementation of this section. Such continuing education courses and activities shall satisfy the requirements of RSA 327:33.

II. An optometrist certified to treat glaucoma shall complete a minimum of 10 of the required hours in glaucoma specific education. A minimum of 7 hours shall be by participation in formal courses and 3 hours may be by independent study.

5 Continuation of Formulary. The formulary adopted by the joint pharmaceutical formulary board and in effect immediately prior to the effective date of this act shall continue in effect under the joint pharmaceutical formulary and credentialing committee as inserted by this act

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows licensed optometrists to use certain pharmaceutical agents in the treatment of glaucoma and conditions and diseases of the eye.

Adopted.

Report adopted and ordered to third reading.

**HB 1351-FN**, granting group II retirement system status to certain positions in the department of corrections. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The bill was intended for interim study but was voted inexpedient to legislate late in the day for the following reasons: 1. A list of 60 department of corrections positions now in group I, that were recommended for group II, made up the bill. 2. After the list was made, 6 positions were removed. 3. When the scope of work for each of the positions was reviewed, it appeared that some did not meet group II requirements. The subcommittee asked for interim study for time to review each job description in detail, which was ultimately not granted in the full committee. While it is realized that this action results in having to have to submit a new bill to be acted on in 2003, it will give a new committee with new ideas an opportunity to resolve this issue. Vote 9-5.

Adopted.

**HB 1388**, relative to respiratory care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill replaces the current respiratory care practice act, which has not been up dated in over ten years. This bill reflects the changes in education, technology and training of respiratory care practitioners. This bill also clarifies definitions of diagnostic and therapeutic medications, criteria for licensure, examination criteria, the certifying board, interim licensing, rights of the consumer and public safety. Vote 13-0.

### Amendment (2793h)

Amend RSA 326-E:1, V as inserted by section 2 of the bill by replacing it with the following:

V. "Performance of respiratory care" means respiratory care in accordance with the prescription of a licensed physician, licensed osteopath, certified physician assistant or nurse practitioner, including but not limited to, the diagnostic and therapeutic use of the following:

(a) Administration of medical gases (except for the purpose of anesthesia), aerosols, and humidification.

(b) Pharmacologic agents related to respiratory care procedures.

(c) Mechanical or physiological ventilatory support.

(d) Bronchopulmonary hygiene.

(e) Cardiopulmonary resuscitation.

(f) Insertion and maintenance of artificial airways.

(g) Specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment, and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures and flows, collection and analysis of specimens of blood and blood gases and specimens from the respiratory tract, expired and inspired gas samples, respiratory secretions, and pulmonary function testing and hemodynamic and other related physiologic measurements of the cardiopulmonary system.

Amend RSA 326-E:2 as inserted by section 2 of the bill by deleting RSA 326-E:2, V.

Amend RSA 326-E:3, V as inserted by section 2 of the bill by replacing it with the following:

V. The applicant applying for license under paragraph III shall practice under the indirect supervision and responsibility of a licensed respiratory care practitioner in this state, providing the applicant obtains an interim license as defined in RSA 326-E:6 and a current supervisory form is on file with the board.

Amend RSA 326-E:4, I as inserted by section 2 of the bill by replacing it with the following:

I. Examinations for licensure in respiratory care shall be in English, nationally standardized, and administered by the National Board of Respiratory Care, Inc. or its successor organization as approved by the board. Examinations shall be made available no fewer than 2 times a year and in such places as may be determined by the board.

Amend RSA 326-E:5, III as inserted by section 2 of the bill by replacing it with the following:

III. A person matriculated in an accredited respiratory care or polysomnographic technology education program shall display appropriate identification.

Amend RSA 326-E:6 as inserted by section 2 of the bill by replacing it with the following:

#### 326-E:6 Interim License.

I. The board shall issue an interim license, upon payment to the board, to qualified applicants who have filed an application with the board and who:

(a) Have graduated from an approved respiratory care program and are awaiting examination and results of a national examination administered by the National Board of Respiratory Care, Inc., or its successor organization and as approved by the board; or

(b) Have been educated outside of the United States and are awaiting verification of credentials and education in English and examination and results of a national examination administered by the National Board of Respiratory Care, Inc., or its successor organization and as approved by the board; or

(c) Are meeting continuing education requirements set by the board prior to obtaining a license.

II. The interim license shall be valid for up to 6 months and shall not be renewable.

III. An interim license shall authorize its holder to engage in the practice of respiratory care under the supervision of a licensed respiratory care practitioner in this state.

(a) Applicants who do not have a current license in another state shall practice only under direct supervision.

(b) Applicants who have a current license in another state shall practice under indirect supervision.

IV. The interim license shall terminate when:

(a) The applicant has been issued a full license;

(b) The expiration date on the interim license as set by the board has been reached;

(c) Six months have elapsed from date of issue;

(d) Upon notification to the board that the applicant has failed the national examination;

(e) The supervisor of record has withdrawn support for cause;

(f) The holder has failed to file a new supervisory form within 5 days when there has been a change in the supervisor of record;

(g) When an out of state license validation reveals information that would cause the board not to issue a license; or

(h) Because of actions taken pursuant to RSA 328-F:18, V or RSA 328-F:26.

Amend RSA 326-E:11 as inserted by section 2 of the bill by replacing it with the following:

326-E:11 Training; Assistive Personnel. The assembly, delivery, maintenance, repair, and testing of respiratory care equipment and supplies shall be performed by respiratory care practitioners and other personnel in conformity with rules adopted by the board under RSA 541-A and RSA 326-E:2.

Amend RSA 326-E:12 as inserted by section 2 of the bill by replacing it with the following:

326-E:12 Penalties. An individual, corporation, or unincorporated association that violates any part of this chapter shall be guilty of a misdemeanor.

Adopted.

Report adopted and ordered to third reading.

**HB 179-FN**, including 17 year olds under RSA 169-B, the juvenile delinquency statute. **OUGHT TO PASS**

Rep. Mary Jane Wallner for Finance: This bill would raise the age of adult criminal responsibility from 17 years to 18 years, effective July 1, 2004. This bill, and the policy it embodies, indicates

that juveniles between age 17 and 18 are best served in the juvenile justice system, where they can receive appropriate services and the intensive supervision that are not available in the adult criminal justice system. The bill was supported by the Children and Family Law Committee and by the full House. This bill does not change existing law, which permits serious, violent or repeat juvenile offenders to be tried in the adult system through the certification process that was strengthened by the General Court in 1996. The counties that have financial responsibility for both the portion of the cost of services provided by the juvenile justice system and the costs of operation of the county correctional system testified that they were neutral on this bill.

There is no cost to the state budget in this biennium or the first year of the next biennium, since the bill takes effect on July 1, 2004. When the bill takes effect, the annual cost is estimated to be approximately \$650 thousand per year in general funds to cover the cost of services and Juvenile Probation and Parole Officers to supervise the 17-year-olds. The county share of additional services will be approximately \$111 thousand annually. It is difficult to estimate cost savings to the state and county from not serving 17-year-olds in the adult corrections system. Vote 17-2.

Adopted and ordered to third reading.

**HB 212-FN, providing an alternative method of calculating state education property tax hardship relief. OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: This bill, as amended, accomplishes three goals: 1) It corrects an omission in which the general court provided funds in the current budget for DRA to administer the property tax hardship relief program, but neglected to establish the necessary positions. 2) It corrects an inequity created when citizens of certain cities and towns who otherwise would have been eligible for state education property tax hardship relief inadvertently lost that eligibility because the cities and towns, acting however laudably, revaluated property in their jurisdiction. 3) It allows DRA to use rules already in place. This correction was necessary only for the property tax year beginning April 1, 2001. It is estimated that the cost will be less than \$300,000. Funds far in excess of this amount are already in the budget for this purpose. Vote 17-0.

**Amendment (2630h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

Amend paragraph VIII of section 2 of the bill by replacing it with the following:

VIII. Each claim shall be accompanied by copies of the claimant's 1998 and 2001 property tax bills for the homestead and by a copy of the claimant's 2000 federal income tax return. Claimants who were not required to file a federal tax return for the 2000 tax year may submit an affidavit to such effect in lieu of a tax return, which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the 2000 tax year, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

Amend paragraph XI of section 2 of the bill by replacing it with the following:

XI. The provisions of RSA 198:53 and RSA 198:54, relative to penalties for fraudulent filings and appeals to the board of tax and land appeals shall apply to claimants filing under this act. Rules adopted by the commissioner of the department of revenue administration relative to the administration and enforcement of the hardship relief program under RSA 198:50-55 shall, where pertinent, also apply to the administration and enforcement of this act.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Authority to Establish Positions. The commissioner of the department of revenue administration is authorized to establish positions necessary to implement the low and moderate income homeowners property tax relief program under RSA 198:56-61.

**AMENDED ANALYSIS**

This bill provides an alternative method of calculating state education property tax hardship relief for the property tax year beginning April 1, 2001.



The bill also authorizes the commissioner of the department of revenue administration to establish positions necessary to implement the low and moderate income homeowners property tax relief program under RSA 198:56-61.

Adopted.

Report adopted and ordered to third reading.

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: An optional pre-engineering technology curriculum in our public schools will prepare our young people for more successful careers and provide the staff for economic development of high-tech business in our state. The amendment takes \$250,000 of bonded funds previously appropriated for regional vocational schools, but not used, to pay for a portion of classroom equipment necessary to get the programs started. Operating expenses will be the responsibility of the participating school districts. Vote 20-0.

#### **Amendment (2752h)**

Amend the bill by replacing section 2 with the following:

2 Capital Appropriation; Bonds Authorized. To provide funds for this act, any remaining sums in the appropriation originally designated in 1973, 567:1 (former RSA 188-E:10), and as amended, for construction appropriation for the state board of education to make grants to regional vocational education centers are hereby transferred for the purposes of this act and appropriated to the department of education. The commissioner is authorized to grant these funds for implementation of the pre-engineering technology curriculum available to all public secondary schools and regional career and technical centers. The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding said sum and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 5-year bonds. This appropriation shall lapse June 30, 2005.

#### **AMENDED ANALYSIS**

This bill establishes a pre-engineering technology curriculum in the public high schools in the state and creates a pre-engineering technology curriculum advisory council to advise the department of education on the implementation of such curriculum. The bill also transfers a capital appropriation to implement the pre-engineering technology curriculum.

Adopted.

Report adopted and ordered to third reading.

**HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: This bill would require a performance audit of the Department of Education (DOE) to be started on or about July 1, 2002 and completed by February 1, 2003. Since 1999, five DOE audits, requiring thousands of work hours, have been performed. 1) July 1999 – Special Education, CAT Aid Program. 2) June 2000 – Financial and Compliance Audit Report. 3) June 2001 – Single Audit of Federal Financial Assistance Programs. 4) August 2001 – Bureau of Vocational Rehabilitation and Service Delivery. 5) September 2001 – Construction and Renovation Programs. The committee believes that if a new audit were authorized, the scope and parameters should be more narrowly delineated. The process and procedure for performance audits is clearly defined in RSA 17-N, which established a ten-member Legislative Performance Audit and Oversight Committee. Its charge is to consider the need to review state departments, boards, institutions, commissions and agencies, and to make recommendations to the Fiscal Committee for such reviews as provided in RSA 14:30-a, II. The nine-member LBA Audit Division is currently working on four audits. An additional topic has been approved, but the work has not yet begun. This bill does not specify whether or not these “works in progress” would cease in order to perform this particular audit. The Committee believes that, if any further audit of the Department of Education is to be done, its purpose should be clearly defined, and it should be effected through the existing statutory procedures. Vote 17-3.

Reps. Judith Sullivan and Winter spoke against and yielded to questions.

Rep. Foster spoke in favor and yielded to questions.

Rep. Francoeur spoke in favor.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 273 NAYS 83

### YEAS 273

#### BELKNAP

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Holbrook, Robert  
Rice, Thomas Jr  
Wood, Jane

Johnson, William  
Russell, David

Millham, Alida  
Salatiello, Thomas

#### CARROLL

Bradley, Jeb  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey

#### CHESHIRE

Allen, Peter  
Dexter, Judson  
McGuirk, Paul  
Pratt, John  
Weed, Charles

Avery, Stephen  
Espieffs, Peter  
Meador, David  
Richardson, Barbara  
Zerba, Roger

Batchelder, Robert  
Liebl, George  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Smith, Edwin

#### COOS

Bradley, Paula  
Landers, Dana

Gallus, John  
Rodrigue, Robert

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

#### GRAFTON

Akins, Ralph  
Cooney, Mary  
Ham, Bonnie  
Scanlan, David  
Teschner, Douglass

Almy, Susan  
Dudley, Terri  
Marshall, Gene  
Scovner, Nancy

Barker, Robert  
Eaton, Stephanie  
Nordgren, Sharon  
Sokol, Hilda

Benn, Bernard  
Gabler, William  
Pawlek, Marion  
Solow, Martha

#### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Clemons, Jane  
Craig, James  
Dionne, Kimberley  
Dwyer, Paul  
Emerton, Lawrence Sr  
Furman, Christine  
Goley, Jeffrey  
Graham, John  
Hall, Charles  
Johnson, Lionel  
Kurk, Neal  
Leishman, Peter  
McDonough-Wallace, Alice  
Murphy, Robert  
Pepino, Leo  
Shaw, Barbara  
Tahir, Saghir  
White, John

Alukonis, David  
Baroody, Benjamin  
Bragdon, Peter  
Cardin, Lori  
Cote, David  
Daigle, Robert  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Gargasch, Carolyn  
Gonzalez, Carlos  
Greenberg, Gary  
Herman, Keith  
Kacavas, John  
L'Heureux, Robert  
Lessard, Rudy  
Melcher, Harold  
O'Connell, Timothy  
Peterson, Andrew  
Spiess, Paul  
Thulander, O Alan  
Williams, Carol

Andosca, Mary  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Desrosiers, William  
Drabinowicz, A Theresa  
Eaton, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Gorman, Mary  
Guinta, Frank  
Holden, Randolph  
Keye, Harvey  
LaRose, Richard  
Lynde, Harold  
Messier, Irene  
Palangas, Eric  
Reeves, Sandra  
Sullivan, Peter  
Vaillancourt, Steve

Artz, Lawrence  
Bellavance, Paul  
Buckley, Raymond  
Clayton, William  
Coughlin, Pamela  
Dionne, David  
Drisko, Richard  
Elliott, Larry  
Foster, Linda  
Golding, William  
Goulet, Maurice  
Hall, Betty  
Jean, Claudette  
Konys, Christine  
Leach, Edward  
Martel, Andre  
Movsesian, Lori  
Panagopoulos, Nicholas  
Rowe, Robert  
Sweeney, Cynthia  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Crosby, Toni  
Dunne, Christopher  
Greco, Vincent  
Leber, William  
Owen, Derek  
Rush, Deanna  
Whalley, Michael

Burney, Carol  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Hess, David  
MacKay, James  
Reardon, Tara  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Holland, James Jr  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Shultis, Elizabeth  
Stritch, C Donald  
Whittier, John

Belanger, Ronald  
Clark, Martha Fuller  
Cox, Russell  
Downing, Michael  
Gilbert, Jeffrey  
Johnson, Robert  
Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Packard, Sherman  
Rausch, James  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Blanchard, MaryAnn  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Robertson, Carl  
Splaine, James  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Dearborn, Bruce  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Micklon, Stephanie  
O'Keefe, Patricia  
Pitts, Jacqueline  
Saia, Pamela  
Stone, Joseph  
Welch, David

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Ferland, Paul  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Phinizy, James

Cloutier, John  
Harris, Joseph  
Robb, Amy

Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

**NAYS 83****BELKNAP**

Bartlett, Gordon  
Rosen, Ralph

Boyce, Laurie  
Wendelboe, Fran

Dewhirst, Glenn

Pilliod, James

**CARROLL**

Babson, David Jr

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

**CHESHIRE**

Edwards, Dana  
Roberts, William

Emerson, Susan

Fairbanks, Chandler

Hunt, John

**COOS**

Davis, Perley

Pratt, Leighton

**GRAFTON**

Alger, John  
Lovett, Sid

Cobb, John  
Sova, Charles

Gilman, G Michael  
Ward, Brien

Giuda, Robert  
Williams, Burton

**HILLSBOROUGH**

Balboni, Michael  
Christiansen, Lars  
Hopper, Gary  
McRae, Karen  
Salts, Greg

Bergeron, Jean-Guy  
Clegg, Robert Jr  
Jean, Loren  
Mercer, Robert  
Souza, Kathleen

Bruno, Pierre  
Gleneck, David  
Martin, Mary Ellen  
Milligan, Robert  
Tate, Joan

Christensen, D L Chris  
Haley, Robert  
McHugh, Claire  
Moran, Edward

**MERRIMACK**

Brewster, Richard  
Kennedy, Richard

Feuerstein, Martin  
L'Heureux, Stephen

Hutchinson, John  
Winter, Steven

Jacobson, Alf

**ROCKINGHAM**

Bishop, Franklin  
Case, Margaret  
Gilbert, Karl  
Introne, Robert  
Langone, John  
Putnam, Ed II  
Sapareto, Frank

Bridle, Russell  
Chalbeck, Kevin  
Gleason, John  
Itse, Daniel  
Moore, Benjamin  
Quandt, Marshall  
Trueman, Raymond

Camm, Kevin  
DiFruscia, Anthony  
Henderson, Warren  
Johnson, Rogers  
Palermo, Diane  
Quandt, Matthew  
Weyler, Kenneth

Carson, Sharon  
Dumaine, Dudley  
Hill, Jonathan  
Kelley, Jane  
Power, Lucille  
Ruffner, Walter

**STRAFFORD**

Albert, Russell

Harrington, Michael

Woods, Phyllis

**SULLIVAN**

Leone, Richard

Odell, Bob

and the committee report was adopted.

Rep. Giordano did not vote and wished to be recorded in favor.

**HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill would appropriate \$20,000 for the purchase of equipment to record committee sessions. Last year the House ran a pilot program by recording the sessions of two policy committees. The program is still being evaluated but is reported by those involved to have been successful. The Finance Committee received testimony that the cost of financing an expanded program can occur through the current legislative budget. This is a program that can be implemented and handled through an internal administrative function. Therefore, while the Committee supports the recording project, this bill is not needed in order to go forward. Vote 20-0.

Rep. Dyer spoke in favor.

Adopted.

**HB 1363-FN-L**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. **REFER FOR INTERIM STUDY**

Rep. Beverly T. Rodeschin for Finance: Due to the complexity of the financial impact on the state, the counties and perhaps all taxpayers, the Committee needs time for a complete review. Vote 21-0. Rep. Jacobson spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Cloutier and Kurk spoke in favor.

Adopted.

**HB 1376-FN**, relative to distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Finance: This bill would have taken the approximate \$40 million a year of tobacco settlement funds, which are currently being used to fund education, and put an additional \$7.8 million into tobacco prevention and the approximate \$32 million balance into the health care fund. This legislature has already approved the funding of \$3 million a year to tobacco prevention and there has not been enough time to assess the outcome so far. Rather than continue to use the \$32 million for education, this bill would create more funds to provide health care for low-income people and under-served populations. While the intent is noble, under the current fiscal climate, the passage of this legislation is fiscally imprudent. Our legislature has already taken large

steps with the expansion of the children's health insurance program, and expansion of continued coverage for disabled citizens who enter the work force. Additionally, low-income seniors are eligible for health care under Medicare and the final safety net is the backbone of charity care provided by hospitals under their non-profit status. The majority of the Committee clearly felt it inappropriate to take \$40 million out of the budget under challenging financial times to enact sweeping new social programs. Vote 12-7.

Rep. Pilliod spoke against.

Rep. Rogers Johnson spoke in favor.

Rep. Pilliod requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 205 NAYS 150

### YEAS 205

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Stevens, Stanley
Sullivan, P Judith			

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Smith, Edwin			

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

#### GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Desrosiers, William	Dionne, Kimberley	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Claudette	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lessard, Rudy	Martel, Andre	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric  
Greco, Vincent  
L'Heureux, Stephen  
Swindlehurst, John

Colcord, J D  
Hess, David  
Langer, Ray  
Whalley, Michael

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Winter, Steven

Dunne, Christopher  
Kennedy, Richard  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Trueman, Raymond  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Varrell, Thomas

Boynton, James  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Robert  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Welch, David

Bridle, Russell  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Ferland, Paul  
Musler, George

Berube, Roger  
Harrington, Michael  
Reid, Christopher

Cossette, Larry  
Knowles, William  
Tsiros, William

Dunlap, Patricia  
McCarthy, Gerald  
Woods, Phyllis

**SULLIVAN**

Ferland, Brenda

Flint, Gordon Sr

Odell, Bob

Rodeschin, Beverly

**NAYS 150****BELKNAP**

Dewhirst, Glenn  
Rosen, Ralph

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

**CARROLL**

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Batchelder, Robert  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
Meader, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Akins, Ralph  
Lovett, Sid  
Sokol, Hilda

Almy, Susan  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Dionne, David

Baroody, Benjamin  
Clemons, Jane  
Dokmo, Cynthia

Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa

Cardin, Lori  
Craig, James  
Drisko, Richard

Eaton, Richard  
Hall, Betty  
Konys, Christine  
McDonough-Wallace, Alice  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Goley, Jeffrey  
Johnson, Lionel  
Leach, Edward  
Melcher, Harold  
O'Connell, Timothy  
Spiess, Paul

Gorman, Mary  
Kacavas, John  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Sweeney, Cynthia

Haley, Robert  
Keye, Harvey  
Lynde, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
White, John

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Davis, Frank  
Gile, Mary  
MacKay, James  
Rodd, Beth  
Yeaton, Charles

Clarke, Claire  
Feuerstein, Martin  
Hager, Elizabeth  
Owen, Derek  
Rush, Deanna

### ROCKINGHAM

Bishop, Franklin  
Chalbeck, Kevin  
Downing, Michael  
Langley, Jane  
Norelli, Terie  
Sapareto, Frank  
Whittier, John

Blanchard, MaryAnn  
Clark, Martha Fuller  
Gleason, John  
Langone, John  
O'Keefe, Patricia  
Shultis, Elizabeth

Bowles, Raimond  
Coes, Betsy  
Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

Case, Margaret  
Cooney, Richard  
Kelley, Jane  
Micklon, Stephanie  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

### STRAFFORD

Brennan, William  
Gilmore, Gary  
Johnson, Nancy  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Goodwin, Earle  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Grassie, Anne  
Lent, Donald  
Smith, Marjorie  
Wall, Janet

Estabrook, Iris  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

### SULLIVAN

Allison, David  
Harris, Joseph  
Phinizy, James

Burling, Peter  
Harris, Sandra

Cloutier, John  
Jones, Constance

Franklin, Peter  
Leone, Richard

and the committee report was adopted.

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Berry conservation camp building replacement and increasing a capital appropriation to the New Hampshire veterans' home to design and build a new facility. **OUGHT TO PASS WITH AMENDMENT**  
Rep. O. Alan Thulander for Finance: The Barry conservation camp, located at the fish hatchery in Berlin, may lose its accreditation from the National Camping Association should necessary building and facilities upgrades not be made. The camp is operated jointly by New Hampshire Fish and Game and the 4-H groups, and serves up to 210 campers per season. The additional bonding authorization of \$100,000 will be supported by the Fish and Game Fund and has no effect on the General Fund. The amendment removes the capital appropriation for the New Hampshire Veterans' Home, which has been funded in other legislation Vote 20-0.

### Amendment (2748h)

Amend the title of the bill by replacing it with the following:

AN ACT increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to increase the amount authorized by the bonded appropriation to the fish and game department for the replacement of the Barry conservation camp building. The source of funds for payment of the cost of bonds or notes is from the fish and game fund.

2 Capital Budget; Fish and Game Department; Project Amount Amended. Amend 1999, 226:3, E to read as follows:

E. Barry conservation camp building replacement	[ <del>100,000</del> ]	<b>200,000</b>
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3 Capital Budget; Total Amended. Amend 1999, 226:3, Total state appropriation section 3 to read as follows:

Total state appropriation section 3	[ <del>\$1,115,000</del> ]	<b>\$1,215,000</b>
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4 Capital Budget; Bonds Authorized; Total Amended. Amend 1999, 226:8 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$60,125,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill appropriates an additional bonded amount to the fish and game department for the replacement of the Barry conservation camp building. Payment of the cost of bonds or notes is from the fish and game fund.

Adopted.

Report adopted and ordered to third reading.

**HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill appropriates \$347,629 in order for the state to keep its promise to Laconia to build ball fields at the site of the correctional facility. The money comes from unspent bonding authorizations previously appropriated Vote 20-0.

Adopted and ordered to third reading.

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Housing demand in our state has been strong due to a decade in which our population has increased more than 11%. In 1988, the legislature established a state-wide affordable housing fund with \$4 million. The New Hampshire Housing Finance Authority (NHHFA), using a revolving fund and providing incremental financing for qualified projects, has multiplied that into \$14 million dollars of investment. To qualify, projects must construct or rehabilitate rental units that remain affordable to working families. Qualifying tenant families are often at the income level of schoolteachers and nurses. The growth of the affordable rentals has not kept up with the demand. New money is needed to alleviate some of that problem. The amendment provides an additional \$5 million to NHHFA to create more affordable housing, \$2.5 million dollars in the capital budget in this biennium, and an equal amount in the next.

The bill also funds higher, more recent cost estimates for an addition to the New Hampshire Veterans' Home in Tilton. The original approval was based on 1998 construction estimates. Steep demand for construction in the last few years has raised that estimate by \$1.9 million, a 19% increase. Federal dollars will provide \$650,000 of the extra, if commitment is made by April. That left the state a \$1.25 million increase. Earlier appropriations in capital budgets yielded \$650,000 of money appropriated but not spent. An additional \$600,000 will be new money in the capital budget. These sums are necessary to move this project forward. Vote 20-0.

### Amendment (2639h)

Amend the title of the bill by replacing it with the following:

**AN ACT** making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

Amend the bill by replacing all after section 4 with the following:

5 Capital Budget; 1999; Corrections; Halfway House Project Amount Decreased. Amend 1999, 226:1, V, as extended by 2001, 202:28, III, to read as follows:



## V. Department of Corrections.

A. Replace boiler plant – women's prison		\$ 200,000
B. Year 2000 equipment replacement/upgrade *		146,000
C. Expansion of department WAN *		126,000
D. New halfway house – southern	<u>[500,000]</u>	<u>200,000</u>
Total state appropriation paragraph V	<u>[\$ 972,000]</u>	<u>\$672,000</u>

6 Capital Budget; 1999; Concord Rail Bridge; Veterans' Home; Project Amounts Increased. Amend 1999, 226:1, XIII, as extended by 2001, 202:28, XXXVII, and 1999, 226:1, XIV to read as follows:

## XIII. Department of Transportation.

A. Match for FAA projects		\$ 500,000
B. Match for public transit bus replacement		290,000
C. Acquisition for railroad and airport properties		1,450,000
D. Concord rail bridge	<u>[650,000]</u>	<u>1,000,000</u>
E. Compliance, governor's commission on disability – All general fund agencies		900,000
Total state appropriation paragraph XIII	<u>[\$ 3,790,000]</u>	<u>\$4,140,000</u>

## XIV. N.H. Veterans Home.

A. Design and build new facility	<u>[\$10,000,000]</u>	<u>\$11,900,000</u>
Less federal	<u>[-6,500,000]</u>	<u>-7,150,000</u>
Net state appropriation subparagraph A	<u>[3,500,000]</u>	<u>4,750,000</u>
Total state appropriation paragraph XIV	<u>[\$3,500,000]</u>	<u>\$4,750,000</u>

The funds appropriated in subparagraph A shall not lapse.

7 Capital Budget; 1999; Total Amended: Amend 1999, 226:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	<u>[\$ 41,311,314]</u>	<u>\$42,611,314</u>
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8 Capital Budget; 1999; Bonds Authorized; Total Amended: Amend 1999, 226:8, as amended by 2000, 132:4, to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$61,325,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Capital Budget; 2001; State Rail Lines; Department of Transportation; Appropriation Reduced. Amend 2001, 202:1, XIII, B to read as follows:

B. Repair State Rail Lines	<u>[2,000,000]</u>	<u>600,000</u>
Less Federal	<u>[-1,000,000]</u>	<u>-300,000</u>
Net state appropriation subparagraph B	<u>[1,000,000]</u>	<u>300,000</u>

10 Capital Budget; 2001; Total Amended: Amend 2001, 202:1, XIII, total state appropriation paragraph XIII to read as follows:

Total state appropriation paragraph XIII	<u>[\$4,087,000]</u>	<u>\$3,387,000</u>
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11 Capital Budget; 2001; Total Amended: Amend 2001, 202:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	<u>[\$54,221,200]</u>	<u>\$53,521,200</u>
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12 Capital Budget; 2001; Bonds Authorized; Total Amended: Amend 2001, 202:8, I to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$72,301,700~~] **\$71,601,700** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

## 13 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

I. Makes a capital appropriation to support affordable housing initiatives in the state of New Hampshire.

II. Increases capital appropriations made to the department of transportation for the Concord rail bridge and to the New Hampshire Veterans' Home to design and build a new facility.

III. Decreases capital appropriations made to the department of corrections for a halfway house-southern and to the department of transportation for state rail lines.

Adopted.

Report adopted and ordered to third reading.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor. **ought TO PASS WITH AMENDMENT**

Rep. Richard J. LaRose for Finance: As it came to the Finance Committee, this bill would have significantly expanded our existing treatment program for mentally disturbed individuals who engage in behaviors that potentially endanger their communities. The Committee believes that the state is not in a financial position to assume the additional operating costs involved in such a large expansion. However, mindful of the need, the Committee was able to find a way to support a more modest expansion, increasing the number of places available for those in need of services.

The Committee amendment bonds an additional \$1.5 million to replace an existing 6-bed facility on the Laconia state campus with a larger 12-bed facility. To ensure a suitable building, the Capital Budget Overview Committee must approve the plans for the facility. To ensure that new matching federal Medicaid funds are available, pre-approval of the program and building by federal Medicaid authorities is required. To assure Laconia residents that the facility will be secure, security components of the facility will be designed in consultation with the city.

Other than debt service, this expansion will not increase the state's general fund operating budget. The amount currently budgeted for operating the 6-bed facility plus the new matching federal Medicaid money should cover the cost of operating the new 12-bed facility. Vote 19-1.

### Amendment (2763h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to specialized treatment for certain individuals and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Secure Facility Required; Approvals Required.

I. The department of health and human services may construct an architecturally-secure facility with a maximum of 12 beds in Laconia for treatment of individuals with significant intellectual limitations as well as effective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community.

II. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department has developed an implementation plan for the 12-bed facility and received the approval of such plan from the capital budget overview committee.

III. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department obtains approval from the Centers for Medicare and Medicaid Services for participation of this program in the state Medicaid program, in the facility constructed under the authority of paragraph I.

IV. The security components of the facility design and implementation plan shall be developed in consultation with a committee of 3 individuals from Laconia selected by the city council.

#### 2 Capital Improvements. Amend 2001, 202:1, IX to read as follows:

##### IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing	
- State Office Park South	\$433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm	
- Laconia	210,000

E. Laconia MR Offenders New Building	[ <del>500,000</del> ]	<b>2,000,000</b>
F. Patient Care Network *	700,000	
G. LITS (Lab Information Tracking System) *	250,000	
H. Bridges Enhancement *	3,000,000	
Less Federal	<u>-1,500,000</u>	
Net state appropriation subparagraph H	1,500,000	
I. DFA New Heights Enhancements *	3,100,000	
Less Federal	<u>-1,550,000</u>	
Net state appropriation subparagraph I	1,550,000	
J. Public Health Laboratories Replacement Equipment	<u>495,000</u>	
Total state appropriation paragraph IX	[ <del>\$6,900,000</del> ]	<b>\$8,400,000</b>

3 Total State Appropriation; Capital Improvements. Amend the total state appropriation section 1 of 2001, 202:1 to read as follows:

Total state appropriation section 1 [54,221,200] **\$55,721,200**

4 Bonds Authorized; Capital Improvements. Amend 2001, 202:8, 1 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$72,301,700~~] **\$73,801,700** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Intent; Rents.

I. It is the intent that rents paid by the area agency to operate a program in the state-owned facility required to be constructed pursuant to this act be an offset to the annual cost of the additional bonds authorized.

II. Rents paid to the state by the area agency operating the program in Laconia shall be deposited into the general fund.

6 Effective Date. This act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill requires the department of health and human services to construct an architecturally-secure facility in Laconia for the treatment of certain individuals. The bill makes a bonded appropriation for the purposes of the bill. Under this bill, rents paid by area agencies to the state for the program in Laconia shall be deposited into the general fund.

Adopted.

Report adopted and ordered to third reading.

### HB 1194, relative to medical records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Privacy of medical records is an important issue for the citizens of New Hampshire. HB 1194 started out as an effort to make some minor changes to RSA 332-I:1. Five amendments and eight subcommittee meetings later, the committee proposed an amended bill addressing the issue of privacy of medical records. The federal Health Insurance Portability and Accountability Act (HIPAA) is a federal act that has a section devoted to the privacy of health information and medical records. It is a comprehensive and complicated act that requires healthcare providers to insure that their patients records are private. The significant changes to RSA 332-I:1 as a result of this amendment include: (1) A statement of purpose that makes it clear that New Hampshire intends to make laws that complement the federal law. This is done to avoid potential conflicts between state and federal law that could ultimately interfere with quality of care issues. (2) The bill includes definitions that are HIPAA compatible. (3) The major area where state law will be "more stringent" is regarding marketing. In New Hampshire healthcare providers will be required to get consent for marketing contact prior to the contact. In the federal law one marketing contact is allowed before consent is required. Vote 13-4.

### Amendment (2789h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. In our democratic society, laws regarding medical and health information should balance the rights of the individual and the protection of public health. The intent of

this act is to complement federal medical information privacy laws; provided, however, that where there is conflict between federal law and this act and the provisions of this act are more stringent than those of federal law, the provisions of this act shall prevail.

2 Medical Records; Confidentiality. RSA 332-I:1 is repealed and reenacted to read as follows:  
332-I:1 Medical Records.

I. In this section:

(a) "Disclosure" means the release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information outside the health care provider or medical records holder in possession of the information.

(b) "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, pharmacist, podiatrist, physical therapist, or psychologist, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services, any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(c) "Individually identifiable health information" means information that:

(1) Is related to past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(2) Contains primary or obvious identifiers, such as the patient's name, address, telephone number or social security number, or secondary identifiers through which a patient's identity could be deduced.

(d) "Marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service other than:

(1) A product or service requested by an individual; or

(2) A product or service that is part of a plan of health care services for an individual established by the individual's health care provider.

(e) "Medical records holder" means any person, corporation or entity, including but not limited to, health care providers, life, accident and health insurers, pharmacies, pharmacy benefits management companies, laboratories, health benefits management entities and pharmaceutical manufacturers, that possesses patient identifiable medical information.

(f) "Use" means the sharing, employment, application, utilization, examination, or analysis of individually identifiable health information within a health care provider or medical records holder in possession of the information.

II. Individually identifiable health information in the possession of any health care provider or medical records holder may be used or disclosed by such provider or holder to provide, effect, administer, or carry out health care services or payment for such services requested by the person to whom the medical information relates. Subject to the provisions of paragraph III, any other use or disclosure, including but not limited to the marketing of products or services, shall require the prior written consent of the person to whom the medical information relates.

III. Nothing in paragraph II shall prohibit, restrict, or require consent for the use or disclosure of such individually identifiable health information by a health care provider or medical records holder for the performance of the following functions: quality assurance; quality improvement; performance evaluation; utilization review; peer review activities; actuarial; medical research, but only by a health care provider who has provided health care services to the person to whom the individually identifiable health information relates and whose privacy protection procedures and standards are at least as rigorous as those promulgated by federally mandated institutional review boards; grievance procedures; internal administration of compliance, managerial, and information systems; claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; provider credentialing verification; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale,

merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the health care provider's or medical records holder's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; public health activities by the state of New Hampshire for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations and public health interventions; and any activity otherwise required by statute or rule, required pursuant to governmental reporting authority, or to comply with legal process.

IV. Consent to use or to disclose individually identifiable health information pursuant to this section shall be in written or electronic form, in a form that is easily understandable by the patient, and shall contain:

(a) The identity of the patient.

(b) A statement that consent is voluntary and that refusal to give consent cannot be the basis for a denial of services or discrimination against the patient.

(c) A general description of the types of individually identifiable health information to be used or disclosed.

(d) If the health care provider or medical records holder intends to use individually identifiable health information, a general description of how the information will be used.

(e) If the health care provider or medical records holder intends to disclose individually identifiable health information, a general description of the persons to whom the information will be disclosed, the purpose of the disclosure and how the information will be used.

(f) The signature of the patient or an individual who is legally empowered to grant authority and the date signed.

(g) A notice of the length of time for which the consent is valid and that the patient may revoke the consent at any time and the procedure for making a revocation.

(h) Such form may be adopted from any form required by federal programs or regulations which address the same content covered by this chapter.

V. The patient shall be entitled upon request to a copy of records containing individually identifiable health information. The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$0.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.

VI. No person, corporation, facility, institution, or other entity to whom individually identifiable health information is disclosed may use the information for any purpose other than the purpose for which it was disclosed.

VII. No health care provider or medical records holder shall refuse to provide services to, do business with, or discriminate against any person solely because that person has not consented to the use by or disclosure to another person, corporation, facility, institution, or other entity of individually identifiable health information; provided, however that the foregoing prohibition shall not apply in circumstances in which, pursuant to paragraphs II and III, no consent is required for the use or disclosure of such information.

VIII. Any person who willfully violates any provision of this section is guilty of a class B misdemeanor. Each willful use or disclosure of individually identifiable health information in violation of this section shall be considered a separate offense.

2 Effective Date. This act shall take effect April 14, 2003.

#### AMENDED ANALYSIS

This bill declares that individually identifiable health information in the possession of health care providers or medical record holders may only be used for certain purposes, without the written consent of the person to whom such information relates.

Adopted.

Report adopted and ordered to third reading.

**HB 1468-FN**, relative to prescription drugs and medicaid best practices. **OUGHT TO PASS**  
Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill is composed of three major pieces with the goal to enhance access to prescription drug coverage for low income seniors. The first piece would required outreach by the Department of Health and Human Services

(DHHS) to enroll our citizens who are eligible for medicaid (which includes pharmaceuticals) but are not enrolled. These are seniors and the disabled whose income does not exceed \$559 per month for one person or \$818 per month for two people. The second piece enhances prescription coverage for a limited group of New Hampshire citizens who are seniors or disabled and are eligible for one or two programs, the Qualified Medicare Beneficiary (QMB) or the Specified Low Income Medicare Beneficiary (SLMB). The person must not be eligible for prescription drugs through a third party payor or supplemental medicare policy. This would require DHHS a demonstration waiver with the federal government. Part of the waiver application requires the state to fund part of the drug benefit costs. This legislation requires a disease management program be enacted to save costs for current medicaid health care costs. Other states have proposed their portion be funded by requiring larger rebates from drug companies. The courts have struck down these waivers based on the rebate aspect. However, this legislation proposed funding from the general funds saved by disease management. Under this expansion of medicaid drug coverage, the elderly and disabled who have income under 100% of poverty (QMB's) and those with income under 120% of poverty (SLMB's) would become eligible for medicaid coverage on drugs only – thereby getting matching federal funds. The QMB's have income levels under \$736 per month for individuals and \$988 per month for couples. Eighteen states currently provide this level of coverage. (SLMB's) coverage would allow a 20% increase over the (QMB) level. The third part of this legislation establishes a three-year task force on the establishment of the NH prescription senior patient assistance program. Vote 9-8.

Adopted and ordered to third reading.

**HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings. **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: This bill, as introduced, went beyond the Americans with Disabilities Act (ADA) and beyond current state law in the requirements for providing an interpreter for the deaf and hard of hearing citizens of our state, creating a potential 28-a issue (unfunded mandates). A subcommittee met on two occasions in an effort to meet the intent of the sponsor of the bill, while at the same time trying to ensure that the legislation did not violate Part First, Article 28-a of the State Constitution. The subcommittee was able to meet this goal. However, significant issues surrounding the penalty provision of this proposed legislation and issues arising out of how a person conducting an initial investigation by a state agency or by a police officer could be in compliance without the individual investigator having prior knowledge of the person's inability to hear became a real concern. Furthermore, any information obtained during the initial investigation without an interpreter would not be admissible evidence. This brought the Judiciary Committee to the conclusion that this bill needed to be studied so that we can further evaluate it and determine how it would interact with current laws. We want to ensure that we are providing equal protection to the deaf and hard of hearing community without providing protections that go beyond what the non-hearing impaired citizens of our state receive. Vote 10-4.

Adopted.

**HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: This bill, as amended, would change the current method of appointing marital masters. Currently, candidates are chosen by a five-member panel of judges appointed by the Chief Justice of the Superior Court known as the Marital Master Committee to serve in this quasi-judicial capacity. The federal funding for marital masters comes from the Executive Branch and requires that marital masters are non-judicial officers. Recognizing the fact that the funds for marital masters flow from the federal Department of Health and Human Services to our state Department of Health and Human Services for enforcement of child support regulations and then to the Judicial Branch and that marital masters are supervised by the Judicial Branch, both the Executive Branch and Judicial Branch should have input into the nomination and confirmation of marital masters. Therefore, we recommend that the Judicial Branch submit a list of three candidates to the Governor who will choose one nominee to bring forth to the Council. A marital master's initial term shall be for the period of three years. Should an existing marital master wish to be renewed or re-nominated for service and the Marital Master Committee wishes to recommend that individual, the Committee will only submit the name of the one individual wishing to be renewed to the Governor and Council. If the Governor and Council approve the continued service of the

marital master, each subsequent term shall be for a period of five years. If a marital master wishes to be re-appointed, he or she is to notify the Governor and Council ninety days prior to the expiration of his or her current term. The other significant change in the bill as reported out by the committee from what the sponsor had asked for was in the area of marital masters wearing black judicial robes. The sponsor wanted the marital masters to wear no robes; however, after hearing testimony provided to the committee on this point, the committee felt that it was important to distinguish the marital master so as to provide the appropriate amount of respect and decorum for the authority of the position, yet still allow the individual who appears before a marital master to recognize the fact that the marital master is not a judge. The committee felt that there was a significant amount of confusion by the general public about who is a marital master or who is a judge. So, the solution that the committee arrived at was to require marital masters to wear robes of such color and type to distinguish themselves from judges, but they would still wear a judicial-type robe to foster that respect. Vote 13-2.

### **Amendment (2795h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Findings and Purpose.**

##### **I. The legislature finds that:**

(a) The federal funding source for marital masters prohibits marital masters from being judicial officers of the court.

(b) Marital masters are supervised by the judicial branch and have a close working relationship with the judicial branch. Therefore, marital masters should be recommended for appointment by the judicial branch, and appointed as specified in this act.

II. The purpose of this act is to recognize the delicate balance between the appointing executive branch and the recommending judicial branch in administering the marital master program and to recognize the importance of the role of marital masters in the state court system by establishing the marital master program in the statutes.

2 New Subdivision; Marital Masters; Recommendations, Appointments and Procedures. Amend RSA 491 by inserting after section 20 the following new subdivision:

#### **Marital Masters**

##### **491:20-a Nominations and Appointments.**

I. The supreme court shall recommend persons to the governor and council for appointment and reappointment as marital masters. In recommending candidates for appointment and reappointment as marital masters, the court shall utilize the procedures and standards described in supreme court rules except as otherwise provided.

II. When the court nominates a marital master for reappointment, the court shall submit to the governor and council, 90 days prior to the end of the marital master's term, the name of the marital master and all evaluations of the marital master's performance in his or her current term. The judicial conduct commission shall make available to the governor and council all judicial conduct disciplinary reports of such marital master. The governor and council's decision whether to reappoint the marital master shall be based on satisfactory performance during the current term. If the governor and council do not reappoint the marital master, the governor and council shall notify the court and the court shall recommend 3 persons for appointment as marital master.

III. For appointments of new marital masters, the court shall submit to the governor the names of 3 candidates. The governor and council shall appoint a candidate nominated by the court or may reject the list submitted by the court, and request a new list.

IV. Marital masters shall serve an initial term of 3 years. Subsequent re-appointments shall be for a term of 5 years.

##### **491:20-b Qualifications.**

##### **I. Marital masters shall possess the following qualifications:**

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures, mediation and negotiation, and both male and female gender bias.

491:20-c Proceedings. In proceedings heard by marital masters:

I. Marital masters shall wear robes of such a color or type as to distinguish them from the judges.

II. No party shall pay a fee additional to court filing fees.

III. If, following a decision by the marital master, a party claims that he or she will have less than a minimum standard of living, a superior court judge shall conduct a hearing on the financial aspects of the case and make a determination which will insure that the party maintains sufficient funds for a minimum standard of living.

3 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill requires marital masters to be recommended by the supreme court and appointed by the governor and council and establishes certain qualifications and a course requirement for marital masters.

Adopted.

Report adopted and ordered to third reading.

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phyllis L. Woods for the Majority of Judiciary: New Hampshire law for nearly 300 years has recognized the right of the individual to choose his or her attorney so long as such attorney is a person of good character. This right of choice is enshrined in statute and should not be lost. It has never been demonstrated that anyone has ever been harmed by a non-lawyer representative. In fact, lawyers who are members of the New Hampshire Bar are not currently covered by consumer protection laws, but non-lawyers acting as attorneys-in-fact, can be sued under the Consumer Protection Act. There exists a whole body of rules that regulate the conduct of non-lawyers administered by the Professional Conduct Committee. Lawyers are not required to carry malpractice insurance; it is optional, and non-lawyers as well can obtain insurance coverage. Regardless of whether one is represented by a lawyer or a non-lawyer, the judge remains the final authority in charge of the courtroom and can dismiss anyone who is obviously unqualified to represent a client. The right to use non-lawyer representation is, however, subject to limitations. A person who is not admitted to the New Hampshire Bar may not "commonly" represent clients. There have been some inconsistencies among various courts in the interpretation of the term "commonly". This bill will correct this by defining the term and provide for consistency throughout the state courts. It provides that a person of good character may represent up to six clients, or take six cases during each year. The majority of the committee agreed that this personal choice should be preserved and protected for the citizens of New Hampshire. Vote 10-5.

Rep. Peter S. Espieffs for the Minority of Judiciary: The minority sees no urgency to change the existing law (RSA 311:6) which permits a party to represent himself in legal proceedings or to obtain the services of a person of good character to represent him or her. The majority wants to specify that such persons (of good character) can represent up to six persons or take up to six cases during a 12-month period. No public necessity has been shown for specifying that non-lawyers can take up to six cases a year. This bill is clearly for the benefit of some well known non-lawyers. It certainly is of no benefit to the public or to the poor who already are afforded legal representation through the Public Defenders Program in criminal cases, and the Pro Bono Program, New Hampshire Legal Assistance, and Reduced Fee Program. It is said that law degrees and a license to practice law don't ensure competence. But if your life or property is on the line, you would most likely hire Attorney F. Lee Bailey or Attorney Johnny Cochran rather than take your chances on a "what's-his-name". Licensed practitioners have been educated in the technical rules of procedure and evidence, as well as in the law. Most non-lawyers are no match for them. Moreover, non-lawyers cannot be disciplined for their maledictions by the Professional Conduct Committee of the Bar Associa-



tion and do not carry malpractice insurance which is available only to licensed lawyers. Further, non-lawyers are not subject to the rules governing attorney (client) trust accounts. There is no public necessity or benefit in this legislation, and it exposes the gullible and vulnerable populace to the increased risk of deceit, exploitation and disaster.

### Majority Amendment (2448h)

Amend RSA 311:7 as inserted by section 1 of the bill by replacing it with the following:

311:7 Prohibition. No person shall be permitted commonly to practice as an attorney in court unless he *or she* has been admitted by the court and taken the oath prescribed in RSA 311:6. *Nothing in this chapter, however, shall prohibit persons of good character who are not admitted to the practice of law in New Hampshire from representing parties as provided in RSA 311:1 when such persons represent 6 or fewer persons during any 12-month period, or represent parties in 6 or fewer cases, causes, or matters regardless of the number of litigants involved or courts which may hear the same cause during any 12-month period; whichever is greater.*

### AMENDED ANALYSIS

This bill allows persons who are not licensed by the supreme court to practice as attorneys to represent no more than 6 parties a year or represent parties in 6 or fewer cases a year.

Majority amendment adopted.

Rep. Espieffs spoke against and yielded to questions.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Phyllis Woods spoke in favor and requested a roll call. Sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 185 NAYS 168

#### YEAS 185

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedean, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Bradley, Jeb	Mock, Henry	Patten, Betsey	Stevens, Stanley
Sullivan, P Judith			

#### CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Smith, Edwin

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Holl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Marshall, Gene	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Furman, Christine
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice

Graham, John  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Mercer, Robert  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

Greenberg, Gary  
Jean, Loren  
LaRose, Richard  
Martin, Mary Ellen  
Milligan, Robert  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

Hall, Betty  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Salts, Greg  
Tate, Joan

Herman, Keith  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Jacobson, Alf  
Lockwood, Priscilla

Cummings, Raymond  
Kennedy, Richard  
MacKay, James

Feuerstein, Martin  
L'Heureux, Stephen  
Whalley, Michael

Hutchinson, John  
Leber, William  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Case, Margaret  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

Boynton, James  
Chalbeck, Kevin  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Sapareto, Frank  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Harrington, Michael

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Spang, Judith

Gillmore, Gary  
Woods, Phyllis

### SULLIVAN

Cloutier, John  
Rodeschin, Beverly

Franklin, Peter

Odell, Bob

Phinizy, James

### NAYS 168

### BELKNAP

Dewhirst, Glenn  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

Rice, Thomas Jr

### CARROLL

Babson, David Jr  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph

Lyman, L Randy

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Avery, Stephen  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Batchelder, Robert  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
Meador, David  
Richardson, Barbara

### COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary	Bellavance, Paul	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dionne, David
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Eaton, Richard
Ford, Nancy	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Guinta, Frank	Haley, Robert
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Leishman, Peter
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew	Shaw, Barbara
Spieß, Paul	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Fraser, Leo Jr	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Langer, Ray	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Gilbert, Karl	Johnson, Robert	Kane, Cecelia
Langley, Jane	Langone, John	McGuire, Robert	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Robb, Amy			

and the majority report was adopted.

Ordered to third reading.

Reps. Dokmo, Reid and Saia declared conflicts of interest and did not participate.

**HB 1331**, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees. **REFER FOR INTERIM STUDY**

Rep. George N. Katsakiores for Legislative Administration: The Legislative Administration Committee felt that procedures need to be in place to require effects on revenues, expenditures, and fiscal liability of bills and resolutions be included in the reports of house standing committees. The committee felt going to Interim Study with this bill will provide time to develop procedures to fulfill the bills mandates. Vote 9-2.

Rep. Judith Sullivan spoke against.

Rep. Herman spoke in favor

On a division vote, 259 members having voted in the affirmative and 53 in the negative, the committee report was adopted.

**HB 1342**, relative to preparation of fiscal notes. **OUGHT TO PASS**

Rep. Robert E. Clegg for Legislative Administration: This bill stops the current practice of allowing the Legislative Budget Assistant to request fiscal information from registered lobbyists. Any information obtained shall be obtained only from those not paid to advocate one position over another. Vote 11-1.

Adopted and ordered to third reading.

**HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: The Committee felt that the worsening economic climate of the municipalities in the north country combined with the growing disparity of resources between our communities warrant the legislature's concern and attention. Since there are many fragmented sources of economic help and advice available, but not presently coordinated to address local needs, enterprise zones may be a valid remedy for such deprived areas. This study committee will examine the issues and report its recommendations. Vote 17-0.

**Amendment (2546h)**

Amend the bill by replacing section 3 with the following:

**3 Duties.**

I. The committee shall study economic development programs with regard to:

- (a) Funding and incentive options for creating enterprise zones.
- (b) What state and federal programs are available.
- (c) What programs are currently implemented.
- (d) Which programs are not implemented and why.
- (e) Soliciting and receiving opinions from local communities regarding the successes and failures of various programs.

II. The committee shall seek testimony from the commissioner of the department of resources and economic development, the director of the office of state planning, the director of economic development for the city of Concord, and any other person the committee deems necessary.

Adopted.

Rep. Akins offered floor amendment (2849h).

**Floor Amendment (2849h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study establishing enterprise zones in economically-deprived communities and requiring the department of transportation to convey a certain parcel of land to the city of Lebanon.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Land Lease from the Department of Transportation to the City of Lebanon. Notwithstanding the provisions of RSA 4:40 or any other provision of law, the department of transportation shall lease to the city of Lebanon for negotiated consideration, occupancy of that portion of the parcel of land conveyed to the state of New Hampshire by a release deed recorded at the Grafton County Registry of Deeds at book 2409, pages 865 through 876 and dated August 2, 1999 which contains the historic structures known as the round house, the sand house, and the bunk house, the exact property line to be determined by representatives of the department of transportation and the city of Lebanon and to include sufficient land to provide adequate parking for the structures and their intended use. The lease shall be subject to completion of the environmental cleanup of the property by the department of transportation under the direction of the department of environmental services and the removal of any solid waste and the removal or remediation of any hazardous materials identified by the state including but not limited to oil, other petroleum products, and asbestos.

**AMENDED ANALYSIS**

This bill establishes a committee to study establishing enterprise zones in economically-deprived communities.

This bill also requires the department of transportation to convey a certain parcel of land to the city of Lebanon.

Rep Akins spoke in favor and yielded to questions.

Reps. Patten and Edwin Smith spoke against.

Rep. Guinta spoke in favor.

Rep. Akins requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (2849h).

## YEAS 144 NAYS 209

### YEAS 144

#### BELKNAP

Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Salatiello, Thomas
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#### CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph
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#### CHESHIRE

Batchelder, Robert	Burnham, Daniel	Dexter, Judson	Fairbanks, Chandler
Manning, Joseph	McGuirk, Paul	Meader, David	Pratt, Irene
Pratt, John	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

#### COOS

Bradley, Paula	Rodrigue, Robert	Woodward, David
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#### GRAFTON

Akins, Ralph	Alger, John	Amy, Susan	Benn, Bernard
Cobb, John	Dudley, Terri	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Sova, Charles	Teschner, Douglass	Ward, Brien

#### HILLSBOROUGH

Balcom, John	Bellavance, Paul	Bergeron, Jean-Guy	Carlson, Donald
Christiansen, Lars	Cote, David	Dionne, Kimberly	Drabinowicz, A Theresa
Elliott, Larry	Ford, Nancy	Ginsburg, Ruth	Gleneck, David
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
L'Heureux, Robert	LaFlamme, Paul	Lynde, Harold	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Murphy, Robert
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo
Peterson, Andrew	Salts, Greg	Sargent, Maxwell	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia	Tate, Joan
Vaillancourt, Steve			

#### MERRIMACK

Brewster, Richard	Burney, Carol	Clarke, Claire	Colcord, J D
Crosby, Toni	Davis, Frank	Dunne, Christopher	Feuerstein, Martin
Gile, Mary	Greco, Vincent	L'Heureux, Stephen	Langer, Ray
Maxfield, Roy	Potter, Frances	Rush, Deanna	Seldin, Gloria
Yeaton, Charles			

#### ROCKINGHAM

Bowles, Raimond	Carson, Sharon	Clark, Vivian	Cox, Russell
DiFruscia, Anthony	Gilbert, Karl	Gleason, John	Hamel, Albert
Itse, Daniel	Kane, Cecelia	Katsakiores, George	Kelley, Jane
Langone, John	Micklon, Stephanie	Nowe, Ronald	O'Neil, Michael

Pantelakos, Laura  
Quandt, Matthew  
Weyler, Kenneth

Power, Lucille  
Ruffner, Walter  
Whittier, John

Priestley, Anne  
Sapareto, Frank

Quandt, Marshall  
Trueman, Raymond

### STRAFFORD

Albert, Russell  
DeChane, Marlene  
Kaen, Naida  
Rollo, Michael

Bickford, David  
Ferland, Paul  
Lent, Donald  
Taylor, Kathleen

Callaghan, Frank  
Goodwin, Earle  
McCarthy, Gerald  
Woodill, Rodney

Cossette, Larry  
Grassie, Anne  
Proulx, Raymond

### SULLIVAN

Harris, Joseph

Harris, Sandra

Leone, Richard

### NAYS 209

### BELKNAP

Bartlett, Gordon  
Johnson, William  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

Czech, Stanley  
Millham, Alida  
Wendelboe, Fran

Holbrook, Robert  
Nedeau, Stephen  
Wood, Jane

### CARROLL

Bradley, Jeb  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Richardson, Barbara

Avery, Stephen  
Hunt, John  
Roberts, William

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Mitchell, McKim

### COOS

Davis, Perley  
Landers, Dana

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

### GRAFTON

Barker, Robert  
Gilman, G Michael  
Williams, Burton

Cooney, Mary  
Marshall, Gene

Eaton, Stephanie  
Nordgren, Sharon

Gabler, William  
Scanlan, David

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Craig, James  
Drisko, Richard  
Fields, Dennis  
Golding, William  
Graham, John  
Jean, Loren  
LaRose, Richard  
Mercer, Robert  
Reeves, Sandra  
Thulander, O Alan

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Cardin, Lori  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul  
Foster, Linda  
Goley, Jeffrey  
Hall, Charles  
Keye, Harvey  
Leach, Edward  
Moran, Edward  
Rowe, Robert  
Wheeler, Robert

Andosca, Mary  
Batula, Peter  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Desrosiers, William  
Dyer, Merton  
Furman, Christine  
Gorman, Mary  
Herman, Keith  
Konys, Christine  
Leishman, Peter  
Mosesian, Lori  
Sullivan, Peter  
White, John

Artz, Lawrence  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goulet, Maurice  
Hopper, Gary  
Kurk, Neal  
Lessard, Rudy  
Pappas, Marc  
Tahir, Saghir  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr

Bouchard, Candace  
French, Barbara

Cummings, Raymond  
Hager, Elizabeth

Daneault, Gabriel  
Hess, David

Hutchinson, John  
Lockwood, Priscilla  
Rodd, Beth

Jacobson, Alf  
MacKay, James  
Wallner, Mary Jane

Kennedy, Richard  
Owen, Derek  
Whalley, Michael

Leber, William  
Reardon, Tara  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Boynton, James  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Reardon, Neil  
Sloan, Stephen  
Varrell, Thomas

Belanger, Ronald  
Bridle, Russell  
Clark, Martha Fuller  
Dearborn, Bruce  
Fesh, Bob  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, Phyllis  
Major, Norman  
Norelli, Terie  
Pitts, Jacqueline  
Robertson, Carl  
Splaine, James  
Weatherspoon, Jacquelyne

Bishop, Franklin  
Camm, Kevin  
Coes, Betsy  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Kobel, Rudolph  
McGuire, Robert  
O'Keefe, Patricia  
Putnam, Ed II  
Saia, Pamela  
Stone, Joseph  
Welch, David

Blanchard, MaryAnn  
Case, Margaret  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Shultis, Elizabeth  
Stitch, C Donald  
Zolla, William

### STRAFFORD

Berube, Roger  
Harrington, Michael  
Pelletier, Arthur  
Spang, Judith

Brennan, William  
Hughes, Christopher  
Reid, Christopher  
Wall, Janet

Dunlap, Patricia  
Johnson, Nancy  
Smith, Marjorie  
Woods, Phyllis

Estabrook, Iris  
Knowles, William  
Snyder, Clair

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Franklin, Peter  
Robb, Amy

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Odell, Bob

and the floor amendment (2849h) failed.

Report adopted and ordered to third reading.

**HB 1389**, enabling towns to charge fees for the disproportionate use of municipal safety services.

#### INEXPEDIENT TO LEGISLATE

Rep. Dudley D. Dumaine for Municipal and County Government: HB 1389 would have enabled towns and cities to adopt an ordinance that regulates excessive use of fire and police services by individual local residents by charging a fee for excessive calls made annually by those individuals to the fire/ police departments.

There are already sufficient statutes to deal with these offenses-False Fire Alarm (RSA 644:3a,b,c), False Report to Law Enforcement (RSA 641:4), and Harassment (RSA 644:4)-that could result in a misdemeanor or class B felony charge.

Also, the enabling ordinance statutes for towns and cities (RSA 31:39 and RSA 47:17) already give those entities adequate authority to set up rules and regulations for the smooth running of the municipalities and to address the concerns that were heard during the public hearing. Therefore the majority of the committee felt that the passage of HB 1389 was unnecessary and the issues should be handled at the local level with appropriate rules and regulations. Vote 10-4.

Adopted.

**HB 1459-FN-A**, making an appropriation to the Alan B. Shepard discovery center. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: While supportive of the Alan B. Shepard Discovery Center Project, the committee felt that this bill has been submitted prematurely and out of a proper procedural sequence. Last year, a sum was allocated in the Capital Budget to fund a study to establish the feasibility of raising private funds for part of this project. That feasibility study is currently in progress and is due in June 2002. This project will be included in the next Capital Budget request, at which time it will be reviewed in context of the overall Capital Budget and with the input of the above mentioned feasibility study. Vote 10-4.

Adopted.

**HB 2000**, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edwin O. Smith for Public Works and Highways: The committee recognizes the long and tedious work by the communities, regional planning commissions, Department of Transportation, and the Governor and Executive Council. The projects are listed in priority and published in a plan dated December 2001. It provides for anticipated \$140,000,000 of Federal aid in 2003, with a \$5,000,000 increase each year to 2012. However, Federal appropriations sometimes do not match the anticipated amount. The Federal funds assigned to turnpike projects for Exit 12 to Exit 16 for the Spaulding Turnpike reverts back to Turnpike Funding. There was a reported shortfall in Federal aid anticipated under Transportation Equity Act for the 21st Century (TEA-21). There was a reported deficit in the New Hampshire Highway Fund of \$25,000,000. These financial difficulties have delayed projects by one to two years. The circumferential highway around Hudson and Litchfield is delayed unless turnpike revenues are increased. The amendment reestablishes the authority to install the toll booths that were removed in 2000. The House removed the toll booths in the 10-Year Highway Plan because the department felt that Federal monies were increasing at a rate allowing tolls to be totally removed from all NH roads. Times have changed and the Federal money will be more than \$30,000,000 less than last year. This is an automatic decrease due to lower than expected Federal revenues. These toll booths were always planned and are not new to the project. Bonds were issued using the toll revenue as payback. The other part of the amendment moves the long planned Troy Village bypass forward without additional requirements from the Department of Environmental Services. This project has been delayed because misunderstandings have occurred between DOT and DES. DES has already responded and made their objections known, and DOT is addressing these issues. The plans modified at the request of DES are the plans that the committee feels should be finalized, however, DES has 60 days after passage of this legislation to make final modifications. The committee understands and respects our environment and the role of DES, however, in the balance long delays allow unsafe roads, causing physical and mental anguish to NH motorists as well as increasing costs. The only two changes made by the committee are listed above and all other projects remain unchanged in any way. Vote 14-0.

**Amendment (2823h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

Amend the bill by replacing all after section 1 with the following:

2 Proposed Toll Booth. The department of transportation shall reestablish the plan for the proposed toll booth for the city of Nashua, and construction shall commence no later than September 30, 2002.

3 Toll Booths Added. Amend RSA 237:2, VII to read as follows:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike including, but not limited to, completing the connection to the Merrimack industrial interchange, relocation of Camp Sargent Road, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson, Litchfield, and Merrimack to an intersection with the existing turnpike, improvements and widening between interchanges 2 and 7, widening between the Route 101 intersection and the Amoskeag interchange in Manchester, ~~and~~ coordinating a study of widening between the I-89 and I-93 interchanges, *and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.*

4 Bypass of Troy Village. The Troy Village bypass, as described in RSA 240:3, IV(f), shall be constructed as planned as of the effective date of this act without any further changes by the department of environmental services.

5 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill updates the 10-year transportation improvement program to maintain highways and bridges in the state.



This bill requires the department of transportation to reestablish the toll booths planned for the city of Nashua. Such toll booths were eliminated in 2000, 309.

This bill also requires the Troy Village bypass to be constructed as it is currently planned.

Rep. Drisko asked if the amendment was divisible and requested that Sections 2 and 3 of the amendment be divided.

The Speaker ruled the amendment was divisible and, without objection, so ordered.

The question now being adoption of Sections 2 and 3 of the committee amendment.

Reps. McHugh and Furman spoke against.

Reps. Leber and Marjorie Smith spoke in favor.

Rep. Drisko spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor and yielded to questions.

Rep. Greenberg requested a roll call; sufficiently seconded.

The question is on Sections 2 and 3 of the committee amendment.

## YEAS 119 NAYS 230

### YEAS 119

#### BELKNAP

Czech, Stanley	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran			

#### CARROLL

Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Fairbanks, Chandler	Liebl, George	Manning, Joseph	Roberts, William
Smith, Edwin	Zerba, Roger		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

#### GRAFTON

Barker, Robert	Benn, Bernard	Eaton, Stephanie	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sokol, Hilda	Teschner, Douglass

#### HILLSBOROUGH

Bragdon, Peter	Calawa, Leon Jr	Coughlin, Pamela	Dwyer, Paul
Golding, William	Graham, John	Kurk, Neal	Martel, Andre
O'Connell, Timothy	Pappas, Marc	Peterson, Andrew	Tahir, Saghir
Thulander, O Alan	Wheeler, Robert		

#### MERRIMACK

Anderson, Eric	Bouchard, Candace	Burney, Carol	Crosby, Toni
Davis, Frank	Hess, David	Hutchinson, John	Kennedy, Richard
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Potter, Frances	Reardon, Tara	Swindlehurst, John	Wallner, Mary Jane

#### ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raymond	Boynton, James
Bride, Russell	Clark, Vivian	Coes, Betsy	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gleason, John	Griffin, Mary
Henderson, Warren	Holland, James Jr	Johnson, Robert	Johnson, Rogers
Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert	Major, Norman

Morse, Charles  
Reardon, Neil  
Trueman, Raymond

Packard, Sherman  
Robertson, Carl  
Varrell, Thomas

Priestley, Anne  
Sloan, Stephen  
Welch, David

Rausch, James  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Pelletier, Arthur  
Smith, Marjorie

Callaghan, Frank  
Hughes, Christopher  
Proulx, Raymond  
Spang, Judith

Cossette, Larry  
Knowles, William  
Reid, Christopher  
Woodill, Rodney

DeChane, Marlene  
McCarthy, Gerald  
Rollo, Michael

### SULLIVAN

Cloutier, John

Harris, Joseph

Harris, Sandra

Robb, Amy

### NAYS 230

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Laurie  
Millham, Alida  
Salatiello, Thomas

Holbrook, Robert  
Pilliod, James  
Wood, Jane

Johnson, William  
Rice, Thomas Jr

### CARROLL

Babson, David Jr  
Mock, Henry

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

### CHESHIRE

Allen, Peter  
Hunt, John  
Pratt, Irene  
Weed, Charles

Batchelder, Robert  
McGuirk, Paul  
Pratt, John

Emerson, Susan  
Meador, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

### COOS

Bradley, Paula  
Woodward, David

Gallus, John

Landers, Dana

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Lovett, Sid  
Solow, Martha

Alger, John  
Gabler, William  
Nordgren, Sharon  
Sova, Charles

Almy, Susan  
Gilman, G Michael  
Pawlek, Marion  
Ward, Brien

Cobb, John  
Giuda, Robert  
Scovner, Nancy  
Williams, Burton

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bellavance, Paul  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Craig, James  
Dokmo, Cynthia  
Elliot, Larry  
Foster, Linda  
Gleneck, David  
Greenberg, Gary  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaRose, Richard  
Lynde, Harold

Alukonis, David  
Balcom, John  
Bergeron, Jean-Guy  
Buckley, Raymond  
Christensen, D L Chris  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Furman, Christine  
Goley, Jeffrey  
Guinta, Frank  
Herman, Keith  
Jean, Loren  
Konys, Christine  
Leach, Edward  
Martin, Mary Ellen

Andosca, Mary  
Baroody, Benjamin  
Bouchard, David  
Cardin, Lori  
Christiansen, Lars  
Cote, David  
Desrosiers, William  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Gorman, Mary  
Haley, Robert  
Holden, Randolph  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
McDonough-Wallace, Alice

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Cote, Peter  
Dionne, Kimberley  
Eaton, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Hopper, Gary  
Kacavas, John  
LaFlamme, Paul  
Lessard, Rudy  
McHugh, Claire

McRae, Karen  
 Milligan, Robert  
 Palangas, Eric  
 Rowe, Robert  
 Souza, Kathleen  
 Tate, Joan

Melcher, Harold  
 Moran, Edward  
 Panagopoulos, Nicholas  
 Salts, Greg  
 Spiess, Paul  
 Vaillancourt, Steve

Mercer, Robert  
 Movsesian, Lori  
 Pepino, Leo  
 Sargent, Maxwell  
 Sullivan, Peter  
 White, John

Messier, Irene  
 Murphy, Robert  
 Reeves, Sandra  
 Shaw, Barbara  
 Sweeney, Cynthia  
 Williams, Carol

### MERRIMACK

Brewster, Richard  
 Daneault, Gabriel  
 Gile, Mary  
 L'Heureux, Stephen  
 Rush, Deanna

Clarke, Claire  
 Dunne, Christopher  
 Greco, Vincent  
 Langer, Ray  
 Seldin, Gloria

Colcord, J D  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Owen, Derek  
 Winter, Steven

Cummings, Raymond  
 French, Barbara  
 Jacobson, Alf  
 Rodd, Beth  
 Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 DiFruscia, Anthony  
 Fesh, Bob  
 Introne, Robert  
 Kobel, Rudolph  
 Micklon, Stephanie  
 O'Neil, Michael  
 Power, Lucille  
 Ruffner, Walter  
 Splaine, James  
 Whittier, John

Belanger, Ronald  
 Chalbeck, Kevin  
 Dowling, Patricia  
 Giordano, Ronald  
 Itse, Daniel  
 Langone, John  
 Norelli, Terie  
 Palermo, Diane  
 Putnam, Ed II  
 Saia, Pamela  
 Stone, Joseph

Camm, Kevin  
 Clark, Martha Fuller  
 Downing, Michael  
 Hamel, Albert  
 Kane, Cecelia  
 McGuire, Robert  
 Nowe, Ronald  
 Pantelakos, Laura  
 Quandt, Marshall  
 Sapareto, Frank  
 Weatherspoon, Jacquelyne

Carson, Sharon  
 Cox, Russell  
 Dumaine, Dudley  
 Hill, Jonathan  
 Katsakiores, George  
 McKinney, Betsy  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Shultis, Elizabeth  
 Weyler, Kenneth

### STRAFFORD

Albert, Russell  
 Ferland, Paul  
 Johnson, Nancy  
 Woods, Phyllis

Berube, Roger  
 Goodwin, Earle  
 Lent, Donald

Brennan, William  
 Grassie, Anne  
 Snyder, Clair

Estabrook, Iris  
 Harrington, Michael  
 Wall, Janet

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Phinizy, James

Burling, Peter  
 Jones, Constance  
 Rodeschin, Beverly

Ferland, Brenda  
 Leone, Richard

Flint, Gordon Sr  
 Odell, Bob

and Sections 2 and 3 of the amendment failed.

The question now being adoption of the remainder of the amendment.

Adopted.

Report adopted and ordered to third reading.

**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Odell for the Majority of Resources, Recreation and Development: This legislation encompasses many of the recommendations provided by the ATV study committee that held six public meetings and heard from more than 50 witnesses last fall. The concerns of the ATV community, state government, environmental groups and citizens were all taken into consideration. This legislation increases ATV annual registration fees but uses the increased fees solely for ATV related activities. These include increased law enforcement, funds for ATV trail maintenance and development, purchase of land or easements for ATV use and educational programs. Environmental concerns are addressed on a statewide basis by putting in statute a "coarse and fine filter" evaluation standard. This standard was developed over many months by an interdepartmental working group and will be used by the Department of Resources and Economic Development when public lands

are being considered for ATV trail development. ATV use in New Hampshire is increasing dramatically and this bill establishes new ground rules through which the state may work to meet this change. Vote 10-4.

Rep. Deanna P. Rush for the Minority of Resources, Recreation and Development: HB 1273-FN allows the Department of Resources & Economic Development (DRED) to expand ATV trails on state lands if certain criteria are met. However, in its current form, HB 1273-FN does not allow a local community to "opt out" of the creation or expansion of ATV trails on public lands in which it has a vested interest. The minority believes that expanded trails on public lands create a myriad of problems for some communities including public safety, financial impacts and environmental issues. We heard testimony that Bear Brook State Park encompasses 51% of the town of Allentown. Increased expenses for the fire and police departments and emergency personnel are not fully reimbursed by the state, thus creating a devastating financial burden to a town with limited resources. An amendment to exclude Bear Brook State Park from expanded trails was defeated because it did not offer the same opportunity to the other state park communities. The minority feels the issues of local control and the 28-a issues of not fully funding fire and police protection on state lands are serious problems. The minority amendment allows a local community to "opt out" of expanded ATV trails in state parks.

### Majority Amendment (2161h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Off Highway Recreational Vehicles and Trails; Definitions. Amend RSA 215-A:1 by inserting after paragraph V the following new paragraphs:

V-a. "OHRV club" means an organized, dues-paying, group of OHRV users with by-laws registered with the secretary of state as a nonprofit organization.

V-b. "OHRV training program," "OHRV safety training course," or "OHRV safety education program" means a course of instruction approved or recognized by the department of fish and game as appropriate for a certain type or types of OHRVs, that sufficiently covers proper operation, safety, laws and regulations, penalties, equipment maintenance, and other related matters pertaining to such type or types of OHRVs.

V-c. "Other OHRV" means an OHRV that is not a snow traveling vehicle or a trail bike.

2 Off Highway Recreational Vehicles; Bureau Responsibilities. Amend RSA 215-A:3, I to read as follows:

I. The bureau shall have the responsibility to provide coordination between the department of resources and economic development, *division of forests and lands*, the fish and game department, and the department of transportation, with respect to matters pertaining to OHRVs.

3 New Subparagraph; Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IV-a by inserting after subparagraph (i) the following new subparagraph:

(j) Maintain a list of recognized OHRV clubs.

4 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, V to read as follows:

V. The chief supervisor of the bureau [~~in the interest of safety~~] may make [~~suggestions~~] *recommendations* concerning RSA 215-A:3-a and such rules as the chief supervisor feels may be necessary for the use and control of OHRV trails, facilities, and lands under bureau control or lease to the commissioner of the department of resources and economic development. The commissioner may adopt such [~~suggestions~~] *recommendations* as rules as provided in RSA 215-A:3-a. A person who fails to observe rules adopted under RSA 215-A:3-a shall be subject to the same penalties provided for in other sections of this chapter.

5 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IX to read as follows:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the [~~chairperson~~] *chairpersons* of the [~~wildlife and marine resources~~] *fish and game committee, the resource, recreation and development committee, the transportation committee, and any other appropriate committee* of the house of representatives, [~~and to~~] the chairperson of the wildlife and recreation committee *and any other appropriate committee* of the senate, *and the state library* which details their agency's [~~performance~~] *activities* relating to OHRV programs during the previous year. *Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing*

***OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.*** Each report shall be submitted on or before January 15 of each year and ***shall be made available to the public in a manner deemed appropriate by each reporting agency.***

6 New Paragraphs; Off Highway Recreational Vehicles and Trails; Penalties and Owner/Operator Responsibilities. Amend RSA 215-A:19 by inserting after paragraph VI the following new paragraphs:

VII. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes shall be assessed an administrative penalty of \$200 to be paid to the department of fish and game, which shall forward such sum to the state treasurer for deposit in the fish and game fund:

(a) Disobeying any person authorized to enforce the provisions of this chapter, as provided in RSA 215-A:16 and 215-A:17, by acting in a manner prohibited by RSA 215-A:19, II or any other provision of law.

(b) RSA 215-A:11, relative to operating an OHRV while intoxicated or under the influence of drugs.

(c) RSA 215-A:11-b, relative to refusal of consent.

(d) RSA 215-A:6, IV, relative to endangerment of any person or damage to any property.

(e) RSA 215-A:29, X, relative to failure to yield right of way.

VIII. Any person who pays such penalty and who, within 6 months of conviction, successfully completes an OHRV training program, at that person's own expense, shall have his \$200 refunded to him from the fish and game fund by the executive director.

IX. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes, and who has not already successfully completed an OHRV training program, shall complete an OHRV training program, at that person's own expense, within 6 months of conviction. Any person who fails to successfully complete the OHRV training program within 6 months may not legally register or reregister any OHRV until such time as the OHRV training program is successfully completed:

(a) Laws relative to speed limit or safe operation.

(b) RSA 215-A:12 and RSA 215-A:13, relative to decibel limits on noise.

7 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-~~[\$26]~~ **\$55** for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ **\$64** for each other OHRV registration upon presentation of a resident tax receipt, or a valid ~~[New Hampshire]~~ driver's license issued to a ~~[person]~~ ***New Hampshire resident*** 18 years of age or older.

(a) The first ~~[\$7]~~ **\$17** of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or ~~[\$16]~~ **\$26** of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ **\$18.30** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and ~~\$9.70 from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration~~ shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

8 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-~~[\$36]~~ **\$75** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$84** for each other OHRV registration.

(a) The first ~~[\$13]~~ **\$23** of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or ~~[\$22]~~ **\$32** of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$21.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and ~~\$11.90 from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration~~ shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

9 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VI to read as follows:

VI.(a) Any funds appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. *Three subaccounts shall be kept within the separate account and separately designated for snow traveling vehicles, 2-wheeled trail bikes, and other OHRVs. The corresponding registration fee moneys allocated to the bureau's grant-in-aid program under paragraphs I and III shall be deposited in the respective sub-accounts. Moneys in a subaccount may only be used for grant-in-aid projects that benefit the ridership of the type of vehicle for which the subaccount was established, in amounts proportional to the approximate benefit of each project to such ridership when compared to that of the ridership of other types of OHRVs, as determined by the bureau.* Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. From each registration fee collected under this section, \$5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment. All remaining funds shall be used for trail maintenance and construction.

(b) Grants-in-aid shall be granted to ~~[organized nonprofit]~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of this paragraph.

10 Off Highway Recreational Vehicles and Trails; Amend RSA 215-A:23, VII(c) to read as follows:

(c) *Land purchases, easements, and rights-of-way. A separate account shall be established into which \$5 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$5 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements and rights-of-way for ATV or trail bike trail and facility development.*

11 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VIII to read as follows:

VIII. Any funds appropriated to the fish and game department shall be used for the following purposes:

(a) Enforcement of the provisions of RSA 215-A.

(b) Establishment of OHRV training programs. ~~[in the operation, safety, regulation, equipment maintenance, and other related matters pertaining to OHRVs.]~~

(c) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(d) OHRV registration.

(e) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

(f) *Contracting with local police departments to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I (b), and \$19 of each nonresident other*

***OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III (b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.***

12 Off Highway Recreational Vehicles and Trails; Issuing Agents and Fees. Amend RSA 215-A:24 to read as follows:

215-A:24 Issuing Agents; Fees. If any registration is issued for the executive director by one of his duly authorized agents, such agent shall collect from the registrant a fee of [\$1] \$2 in addition to the fee prescribed by RSA 215-A:23. Each application for registration of an OHRV shall have printed thereon the words and figures, "agent's fee [\$1] \$2." Such agent shall retain the additional fee as compensation for his services in connection with the issuance of such registration, except that, if the agent is on the payroll of the executive director, the additional fee shall be retained by the department of fish and game.

13 New Section; Off Highway Recreational Vehicles and Trails; New Owner Notification; Amend RSA 215-A by inserting after section 26 the following new section:

215-A:26-a New Owner Notification of Laws. The fish and game department shall provide to OHRV dealers and rental agents a disclosure statement to inform buyers and renters of OHRVs of the laws and penalties relative to OHRV operation, including but not limited to, the need for permission to operate on the property of others. The disclosure statement shall be accompanied by a map showing known OHRV trails that are open to the public. OHRV dealers and rental agents shall require each buyer or renter to sign the disclosure document prior to each sale or rental of an OHRV. One copy shall be retained by the OHRV dealer or rental agent, one copy shall be retained by the buyer or renter, and one copy shall be remitted to the fish and game department by the dealer or rental agent as a requirement of licensure under RSA 215-A:26.

14 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, II(a) as follows:

(a) A person at least 12 years of age who has successfully completed an [approved] OHRV [safety training course] ***training program***, or is licensed to drive a vehicle in accordance with RSA 263, shall be allowed to operate an OHRV in accordance with the provisions of this chapter ***on property other than that owned or leased by such person or such person's parent, grandparent, or guardian.*** A person operating an OHRV shall carry such person's valid driver's license or evidence of the completion of an [approved] OHRV [safety training course] ***training program***, and shall present such evidence to any law enforcement officer who is empowered to enforce this [section] ***chapter***, upon demand of such law enforcement officer. [Any person who possesses a] A valid driver's license issued by authority of law of another state or a province of Canada [or evidence of successful completion of an approved OHRV safety training course authorized by the New Hampshire fish and game department shall be allowed to operate an OHRV in accordance with the provisions of this chapter] ***shall satisfy the driver licensure requirement of this subparagraph.***

15 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, V and VI as follows:

V. [When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this section, the judge shall immediately report the determination to the state fish and game department. If the person holds an OHRV safety certificate, the] ***The executive director of the fish and game department [upon receiving a notice of a determination pursuant to this section] may suspend [the] a person's OHRV [safety] training program certificate or the department's recognition of a person's completion of an OHRV training program if not administered or sponsored by the department, in accordance with rules adopted under RSA 541-A, [without a hearing] for violating any provision or rule of this chapter. The terms of such suspension shall be determined by the executive director.***

VI. OHRV [safety training] ***training programs*** shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA 215-A:23, VIII. ***The department shall issue a certificate to any person successfully completing an OHRV training program administered or sponsored by the department.***

16 New Subdivision; Off Highway Recreational Vehicles and Trails; ATV and Trail Bike Trails Operation on State Lands. Amend RSA 215-A by inserting after section 40 the following new subdivision:

ATV and Trail Bike Operation on State Lands

215-A:41 Intent.

I. The general court declares it to be in the public interest to balance the demand for ATV and Trail Bike Trails on state lands:

- (a) With other non-motorized recreational trail uses;
- (b) Potentially conflicting management goals for state lands; and
- (c) Protection of wildlife and ecologically important areas.

II. In furtherance of the public interest, the bureau, in cooperation with the department of fish and game and all other state agencies that are custodians of the property involved shall work to develop a system of trails for ATVs and trail bikes on both public and private lands that:

- (a) Uses, to the greatest extent possible, private lands, under voluntary agreement with landowners;
- (b) Uses public lands that can host ATV and trail bike trails that are compatible with existing uses and management goals and plans;
- (c) Is managed cooperatively with formally established ATV and trail bike clubs recognized by the bureau;
- (d) Is regularly monitored for overuse, compliance with laws and regulations, and environmental degradation, with curtailment of trail use if such conditions are found to exist;
- (e) Ensures safe and legal use through consistent enforcement of all laws as set forth in this chapter; and
- (f) Provides opportunities for public input in all decisions regarding development of new or significantly revised trail systems on state lands.

215-A:42 ATV and Trail Bike Trails.

I. No ATV or trail bike trail shall be established after the effective date of this paragraph or subsequently maintained on state-owned property unless all of the following conditions are met:

(a) The property has been evaluated by the bureau in cooperation with the department of fish and game and the department of resources and economic development, division of forests and lands, and other state agencies that are custodians of the property using the coarse and fine filter criteria, established under RSA 215-A:43, and has passed such criteria as determined by the commissioner of the department of resources and economic development and the executive director of the department of fish and game.

(b) A memorandum of understanding (memorandum) exists between the bureau, the fish and game department, the department of resources and economic development, division of forests and lands, and all other state agencies that are custodians of the property. The memorandum shall include, but not be limited to, the responsibilities that each agency has in monitoring, maintaining, and enforcing relevant laws relative to the trail and the type of OHRV permitted on approved trails. The bureau shall enter into the memorandum only if it is certain that proper monitoring and maintenance of the trail shall occur, either through its own resources or those of others. The fish and game department shall enter into the memorandum only if it can commit sufficient resources to reasonably monitor for proper ATV or trail bike use on the property and enforce the applicable laws.

(c) A written agreement is in effect between the bureau and a locally organized ATV or trail bike club recognized by the bureau that details the club's on-going responsibilities, including but not limited to, monitoring the use and condition of the trail, erecting signage, educating operators, performing maintenance, and monitoring compliance with laws and regulations. Should the club fail to fulfill some or all of its responsibilities, the bureau or its agent may assume such responsibilities provided sufficient resources are available and committed.

(d) A management plan exists for the property that specifically allows ATV or trail bike use on the property, and the ATV or trail bike trail does not otherwise conflict with the management plan. Any state agency proposing to establish or change a management plan that affects ATV or trail bike use on state property shall publicize such plan and provide the public with the opportunity to comment on the plan before enactment.

II. An ATV or trail bike trail on state-owned property may be closed to ATV or trail bike use by the bureau, if the bureau finds that:

- (a) ATV or trail bike use on the property is not in conformance with this chapter;
- (b) Responsibilities assumed by the locally organized ATV or trail bike club pursuant to subparagraph I(c) are not being met; or
- (c) Provisions of the memorandum between the state agencies as entered into pursuant to paragraph I(b) require such closure.



III. The bureau may not permanently close a trail under paragraph II to ATV or trail bike use without first holding a public hearing in the local area in which the trail is located. Such hearing shall be advertised at least 14 days prior to the hearing in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

215-A:43 Evaluation Process. Any new ATV or trail bike trail proposal on state-owned property shall be evaluated by the department of resources and economic development using a 2-step process.

I. The new ATV or trail bike trail proposal shall be considered to have passed the initial screening process if the following coarse filter criteria are met:

(a) There are no deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs or trail bikes on the property.

(b) Less than 90 percent of the property is composed of the following types of areas in combination:

(i) Exemplary natural communities as identified in the natural heritage inventory program as defined in RSA 217-A:3, XVI;

(ii) Habitat necessary for the successful breeding or survival of federal or state listed endangered or threatened species; and

(iii) Forested wetlands consisting of group IIB forest soils as defined and mapped by the Natural Resources Conservation Service or non-forested wetlands as defined by the department of environmental services.

(c) If it is to be a self-contained trail network, at least 700 contiguous acres are available within which the trail network can be situated, in either single state ownership or as a combination of abutting state properties.

(d) If it is to be a trail corridor link, the trails which are being connected exist or will exist when the trail corridor link is established, or shortly thereafter.

(e) The use of ATVs or trail bikes on the property does not conflict with the purpose for which the property was acquired by the state as provided by law, or as attested to by letters from grantors, department memoranda, historic records, or other credible documents, or, if such conflict exists, it has been set aside by some legal means that includes a formal review process by the custodial state agency.

(f) The use of ATVs or trail bikes on the property is not prohibited by an existing management plan for the property.

II. A new ATV or trail bike trail proposal that has passed the initial screening process of the coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be considered to have passed such phase if the following fine filter criteria are met:

(a) The new trail is supported by an organized ATV or trail bike club recognized by the bureau.

(b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit established by law.

(c) Adequate parking exists or will be developed for the type of trail being proposed and the number of expected riders.

(d) The proposal is compatible with local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The proposal is compatible with noise and obnoxious use ordinances.

(g) The proposal is reasonably compatible with existing uses.

(h) The proposal does not violate federal, state, or local laws.

(i) The proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts.

(j) The proposed trail layout incorporates existing motorized travel corridors whenever possible.

(k) The proposed trail layout minimizes further fragmentation of blocks of forestland by locating trails on areas with existing development whenever possible.

(l) The proposed trail does not pass through a wellhead protection area as determined by the department of environmental services under RSA 485:48, II.

(m) The proposed trail is not located on earthen dams, dikes, and spillways.

(n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.

(o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing.

(p) All stream crossing structures meet 5-year flood design criteria.

(q) The proposed trail is not within 200 feet of any water body, forested or non-forested wetland, or vernal pool.

(r) The proposed trail avoids elevations over 2700 feet.

(s) The proposed trail avoids important wildlife habitat features for species of concern.

(t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site specific basis by the fish and game department.

(u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site specific basis by the natural heritage inventory.

(v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site specific basis by the state geologist.

(w) The proposed trail avoids alteration, disturbance and adverse impacts to cultural and historic resources.

(x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests.

(y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries.

(z) The proposed trail layout has a safe and appropriate trail design.

(aa) Safety standards for highway crossings are met.

(bb) Any planned use of the proposed trail with other uses is safely accommodated.

(cc) Local enforcement officers have been contacted to review and provide input regarding enforcement issues.

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on the internet. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails.

17 Liability Insurance. Amend RSA 260:61, II as follows:

II. The OHRV bureau's grant-in-aid program shall bear the expenses of the following:

(a) A liability insurance policy for the benefit of landowners who allow [snowmobilers] *riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI* to use their property, and

(b) A liability insurance policy for the benefit of landowners who lease their land to the state of New Hampshire for use by [snowmobilers] *riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI*.

18 Increase in Fines. It is the intent of the general court that fines levied by the courts against persons who violate the provisions of this chapter should be increased to further discourage the unlawful use of OHRVs. The executive director shall submit to the supreme court a recommended uniform fine schedule that reflects this intent, provided such recommendation has not already been submitted prior to the effective date of this act, but on or after January 1, 2002.

19 Current Projects. The trails bureau, division of parks and recreation, department of resources and economic development, should move forward with ATV projects in process that comply with the provisions of RSA 215-A.

20 Nash Stream Forest. The commissioner of the department of resources and economic development should move forward with the planning and approval process for an appropriate ATV connecting trail in the Nash Stream Forest, in cooperation with a local ATV club.

21 State-owned ATV and Trail Bike Trail. Within 90 days of the effective date of this paragraph, the commissioner of the department of resources and economic development shall select, using the course

filter criteria of RSA 215-A:43, I, one site on state public lands that is suitable for new ATV or trail bike trail networks. Once the lands are identified, the trails bureau shall work expeditiously to develop and open the ATV and trail bike trail networks in conformance with the provisions of RSA 215-A.

**22 ATV and Trail Bike Trails Plan; Funding.**

I. The department of resources and economic development, directly or through outside contractors or agencies, shall prepare an ATV and trail bike trails plan by December 31, 2003. Such plan shall be updated every 5 years thereafter. The plan shall emphasize development of self-contained trails, although state-owned connecting trails between two or more self-contained trail systems located on private lands shall not be excluded. The plan shall accomplish the following:

(a) Provide an inventory of the ATV and trail bike trails open to the public in the state, including the length and condition of the trails, persons or organizations responsible for maintenance, funding levels for maintenance, and estimated ATV and trail bike use.

(b) Provide an assessment of the amount of ATV and trail bike trail expansion required to reasonably accommodate the public need in the next 5 years.

(c) Propose additional sites of strategically located lands where public/private partnerships will allow development of ATV and trail bike trails.

(d) Propose sites for the acquisition by the state of strategically located lands for the development of ATV and trail bike trails.

II. An amount not to exceed \$50,000 shall be used by the department of resources and economic development from the other OHRV subaccount established in RSA 215-A:23, VI(a), to complete the ATV and trail bike trails plan.

**23 Local Enforcement Program.** An initial amount of not less than \$20,000 shall be used from moneys appropriated to the fish and game department under RSA 215-A:23, I(b) and III(b) to fund a local enforcement program, during fiscal year 2003, as provided for in RSA 215-A:23, VIII(f) to be followed by an expansion to a fully funded program from designated funds.

**24 Repeal.** RSA 215-A:3, X, relative to annual reports detailing grant in aid disbursements, is repealed.

**25 Effective Date.** This act shall take effect on July 1, 2002.

### AMENDED ANALYSIS

This bill implements various changes to the existing laws relative to the operation and registration of off highway recreational vehicles (OHRV), including:

I. The establishment of procedures for ATV and trail bike operation on state lands.

II. The implementation of a 2-step process based on coarse and fine filter criteria for the evaluation of any new trail proposals for all terrain vehicles (ATV) or trail bikes.

III. Increasing the resident and nonresident OHRV registration fees.

IV. An increase in fines for violations of laws governing OHRV and ATV operation.

Majority amendment adopted.

Rep. Rush offered minority amendment (2785h).

### Minority Amendment (2785h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

**4 New Section; Trail Expansion in State Parks or State Forests.** Amend RSA 216-F by inserting after section 5 the following new section:

**216-F:6 Trail Expansion Prohibited.** Notwithstanding the provisions of RSA 215-A, further off highway recreational vehicle trail expansion in any state park or state forest shall be prohibited, unless specifically permitted by the city or town through which the proposed trail expansion is to occur.

### AMENDED ANALYSIS

This bill:

I. Requires that procedures for establishing, maintaining, and governing the use by the public of state-owned or state-leased land as trails for all-terrain vehicles shall be adopted by the commissioner of the department of resources and economic development through the administrative rulemaking process.

II. Raises resident and nonresident fees from \$26 to \$45 for a trail bike and from \$45 to \$60 for any other off highway recreational vehicle.

III. Prohibits further off highway recreational vehicle trail expansion in any state park or forest without permission of the political subdivision through which the proposed trail expansion is to occur.

Reps. Rush and Spang spoke in favor.

Reps. Odell and McGuire spoke against and yielded to questions.

Rep. Lawton requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment (2785h).

### YEAS 118 NAYS 225

#### YEAS 118

#### BELKNAP

Johnson, William

Rice, Thomas Jr

Wood, Jane

#### CARROLL

Babson, David Jr

#### CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

McGuirk, Paul

Mitchell, McKim

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

#### COOS

Davis, Perley

Landers, Dana

#### GRAFTON

Benn, Bernard

Cooney, Mary

Lovett, Sid

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

#### HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Christiansen, Lars

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dwyer, Paul

Ford, Nancy

Ginsburg, Ruth

Gorman, Mary

Haley, Robert

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

L'Heureux, Robert

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace, Alice

Melcher, Harold

Moran, Edward

Movsesian, Lori

Murphy, Robert

Panagopoulos, Nicholas

Pepino, Leo

Shaw, Barbara

Sullivan, Peter

Sweeney, Cynthia

White, John

Williams, Carol

#### MERRIMACK

Bouchard, Candace

Burney, Carol

Clarke, Claire

Crosby, Toni

Daneault, Gabriel

Davis, Frank

French, Barbara

Greco, Vincent

Jacobson, Alf

Maxfield, Roy

Owen, Derek

Potter, Frances

Reardon, Tara

Rodd, Beth

Rush, Deanna

Wallner, Mary Jane

Yeaton, Charles

#### ROCKINGHAM

Blanchard, MaryAnn

Case, Margaret

Clark, Martha Fuller

Coes, Betsy

DiFruscia, Anthony

Hamel, Albert

Langley, Jane

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura

Pitts, Jacqueline

Reardon, Neil

Ruffner, Walter

Shultis, Elizabeth

Splaine, James

Stone, Joseph

Trueman, Raymond

Weatherspoon, Jacquelyne

#### STRAFFORD

Berube, Roger

Brennan, William

DeChane, Marlene

Estabrook, Iris

Ferland, Paul

Goodwin, Earle

Hughes, Christopher

Johnson, Nancy

Knowles, William  
Proulx, Raymond

Lent, Donald  
Smith, Marjorie

McCarthy, Gerald  
Snyder, Clair

Pelletier, Arthur  
Spang, Judith

## SULLIVAN

Allison, David  
Franklin, Peter

Burling, Peter  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Robb, Amy

## NAYS 225

## BELKNAP

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Laurie  
Millham, Alida  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

## CARROLL

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

## CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Meador, David  
Smith, Edwin

Dexter, Judson  
Hunt, John  
Pratt, Irene  
Zerba, Roger

Edwards, Dana  
Liebl, George  
Pratt, John

Emerson, Susan  
Manning, Joseph  
Roberts, William

## COOS

Bradley, Paula  
Pratt, Leighton

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

## GRAFTON

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Alger, John  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Almy, Susan  
Eaton, Stephanie  
Ham, Bonnie  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Marshall, Gene  
Ward, Brien

## HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Leach, Edward  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Drisko, Richard  
Fields, Dennis  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leishman, Peter  
Mercer, Robert  
Palangas, Eric  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Eaton, Richard  
Foster, Linda  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Lessard, Rudy  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Elliott, Larry  
Furman, Christine  
Goley, Jeffrey  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
McHugh, Claire  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Tate, Joan

## MERRIMACK

Anderson, Eric  
Dunne, Christopher

Brewster, Richard  
Feuerstein, Martin

Colcord, J D  
Hager, Elizabeth

Cummings, Raymond  
Hess, David

Hutchinson, John  
Lockwood, Priscilla  
Whalley, Michael

Kennedy, Richard  
MacKay, James  
Winter, Steven

L'Heureux, Stephen  
Seldin, Gloria

Leber, William  
Swindlehurst, John

### ROCKINGHAM

Arndt, Janet  
Boynton, James  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Kane, Cecelia  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Weyler, Kenneth

Belanger, Ronald  
Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Katsakiores, George  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Stritch, C Donald  
Whittier, John

Bishop, Franklin  
Camm, Kevin  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Bowles, Raimond  
Carson, Sharon  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Wall, Janet

Bickford, David  
Harrington, Michael  
Woodill, Rodney

Callaghan, Frank  
Reid, Christopher  
Woods, Phyllis

Cossette, Larry  
Rollo, Michael

### SULLIVAN

Cloutier, John  
Phinzy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

and the minority amendment (2785h) failed.

Rep. Candace Bouchard requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 211 NAYS 132

#### YEAS 211

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Nedean, Stephen  
Wood, Jane

Johnson, William  
Rosen, Ralph

#### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

#### CHESHIRE

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Roberts, William

Batchelder, Robert  
Espiefs, Peter  
Meader, David  
Smith, Edwin

Burnham, Daniel  
Fairbanks, Chandler  
Pratt, Irene  
Zerba, Roger

Dexter, Judson  
Liebl, George  
Pratt, John

#### COOS

Bradley, Paula  
Tholl, John Jr

Davis, Perley  
Woodward, David

Horton, Lynn

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Cobb, John

Alger, John  
Cooney, Mary

Almy, Susan  
Dudley, Terri

Barker, Robert  
Eaton, Stephanie

Gabler, William  
Nordgren, Sharon  
Ward, Brien

Giuda, Robert  
Scanlan, David  
Williams, Burton

Lovett, Sid  
Sova, Charles

Marshall, Gene  
Teschner, Douglass

### HILLSBOROUGH

Alukonis, David  
Brundige, Robert  
Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goley, Jeffrey  
Guinta, Frank  
Jean, Loren  
L'Heureux, Robert  
Lessard, Rudy  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

Balcom, John  
Bruno, Pierre  
Chabot, Robert  
Craig, James  
Fields, Dennis  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Keye, Harvey  
LaRose, Richard  
Lynde, Harold  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan

Batula, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Desrosiers, William  
Foster, Linda  
Gleneck, David  
Graham, John  
Herman, Keith  
Konys, Christine  
Leach, Edward  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Souza, Kathleen  
Thulander, O Alan

Bragdon, Peter  
Calawa, Leon Jr  
Cote, David  
Dokmo, Cynthia  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
Kurk, Neal  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Leber, William  
Seldin, Gloria

Brewster, Richard  
Feuerstein, Martin  
Jacobson, Alf  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Hess, David  
L'Heureux, Stephen  
Reardon, Tara  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Boynnton, James  
Clark, Vivian  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Itse, Daniel  
Katsakiores, George  
Langone, John  
Morse, Charles  
Priestley, Anne  
Robertson, Carl  
Stritch, C Donald

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Katsakiores, Phyllis  
Major, Norman  
Norelli, Terie  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas

Bishop, Franklin  
Carson, Sharon  
Cox, Russell  
Downing, Michael  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald  
Quandt, Marshall  
Saia, Pamela  
Whittier, John

Bowles, Raimond  
Case, Margaret  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Introne, Robert  
Kane, Cecelia  
Langley, Jane  
Micklon, Stephanie  
Palermo, Diane  
Quandt, Matthew  
Sloan, Stephen  
Zolla, William

### STRAFFORD

Albert, Russell  
Knowles, William  
Woods, Phyllis

Callaghan, Frank  
Reid, Christopher

Cossette, Larry  
Rollo, Michael

Harrington, Michael  
Wall, Janet

### SULLIVAN

Burling, Peter  
Jones, Constance  
Rodeschin, Beverly

Cloutier, John  
Leone, Richard

Ferland, Brenda  
Odell, Bob

Harris, Joseph  
Robb, Amy

### NAYS 132

### BELKNAP

Boyce, Laurie

Pilliod, James

Rice, Thomas Jr

Wendelboe, Fran

### CARROLL

Kenney, Joseph

**CHESHIRE**

Allen, Peter	Emerson, Susan	Hunt, John	McGuirk, Paul
Mitchell, McKim	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles

**COOS**

Gallus, John	Guay, Lawrence	Landers, Dana
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**GRAFTON**

Benn, Bernard	Gilman, G Michael	Ham, Bonnie	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Daigle, Robert	Dionne, Kimberley	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Eaton, Richard	Elliott, Larry
Ford, Nancy	Gorman, Mary	Haley, Robert	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Kacavas, John	LaFlamme, Paul
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Moran, Edward	Movesian, Lori	Panagopoulos, Nicholas
Salts, Greg	Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Greco, Vincent
Maxfield, Roy	Owen, Derek	Potter, Frances	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Bridle, Russell	Chalbeck, Kevin	Clark, Martha Fuller
Coes, Betsy	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Letourneau, Robert
McKinney, Betsy	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Rausch, James
Reardon, Neil	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Trueman, Raymond	Weatherspoon, Jacquelyne	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Goodwin, Earle
Hughes, Christopher	Johnson, Nancy	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Smith, Marjorie	Snyder, Clair
Spang, Judith	Woodill, Rodney		

**SULLIVAN**

Allison, David	Flint, Gordon Sr	Franklin, Peter	Harris, Sandra
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Phinیزی, James  
and the majority committee report was adopted.

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee and reporting beyond the deadlines with final action no later than March 21, 2002 on

**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

Adopted by the necessary two-thirds.

Referred to Ways and Means.



**REGULAR CALENDAR (CONT'D.)****HB 1343, relative to processing excavating and dredging permits. OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill, supported by the Department of Environmental Services (DES), provides for shorter time limits for review of excavating and dredging permits. Testimony by experts and the construction industry indicated that the time saved for their projects would be well worth the additional fees required to give the Department of Environmental Services (DES) the resources to reduce turn-around time. Fees related to timber harvesting were not increased. Vote 12-0.

**Amendment (2786h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Excavating and Dredging; Certain Exemptions. Amend RSA 482-A:3 by inserting after paragraph XIII the following new paragraph:

XIV. In processing an application for permits under this chapter the department shall:

(a) Within 20 days of receipt, examine the application, send notice to the applicant at the address provided on the application of any apparent error or omission with regard to the administrative completeness of the application, and notify the applicant of the name, official title, address, and telephone number of a department official or employee who may be contacted regarding the application.

(b) Within 120 days of receipt, or within 180 days if the application proposes more than one acre of jurisdictional impact, issue written technical comments on the application and request any additional information that the department is permitted by law to require.

(c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 60 days of the receipt of the applicant's complete response to said request for information:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(d) Where no request for additional information is made pursuant to subparagraph (b), the department shall, within a reasonable time not to exceed 120 days, or not to exceed 180 days if the application proposes more than one acre of jurisdictional impact:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(e) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to render a decision within the time frames provided in this paragraph, the application shall be deemed to be approved.

(f) The time limits prescribed by this paragraph shall not apply to applications where a violation of this chapter exists on the same property.

2 Excavation and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan, and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be *at least* ~~[\$50]~~ **\$100** for ~~[minimum impact]~~ **all projects under this chapter.** ~~[Fees for minor and major projects shall be assessed based on the area of dredge, fill, or construction proposed and the number of boat slips requested.]~~ The rates shall be ~~[\$100 per boat slip]~~ **\$2.50 per square foot for docking facilities or fill in public waters** and ~~[\$0.04]~~ **\$0.10** per square foot for all *other* proposed projects under this chapter. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map, and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan,

and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk to be distributed as set forth above.

3 Excavation and Dredging Permits; Certain Exemptions. Amend RSA 482-A:3, XI (h) to read as follows:

(h) Application fees shall be \$25 for residents of the state of New Hampshire and ~~[\$50]~~ **\$100** for out-of-state applicants. Fees shall be collected by the department and held in accordance with paragraph III.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides specific time limits for processing excavation and dredging permits, and increases certain filing fees.

Adopted.

Report adopted.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee and reporting beyond the deadlines with final action no later than March 21, 2002 on

**HB 1343**, relative to processing excavating and dredging permits.

Adopted by the necessary two-thirds.

Referred to Ways and Means.

### REGULAR CALENDAR (CONT'D.)

**HB 1349-FN-A**, establishing a New Hampshire power authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The amendment totally replaces both the title and content of the bill. The amendment establishes a legislative committee to examine issues pertaining to electric industry restructuring in the Connecticut Valley Electric Company's service territory. The Science, Technology & Energy Committee hopes that by establishing such legislative study, a settlement may be reached among the various parties. Vote 16-0.

#### Amendment (2826h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, at least 3 of whom shall be members of the science, technology, and energy committee, appointed by the speaker of the house of representatives.

(b) Up to 5 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the issues pertaining to electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company and potential resolutions of those issues delaying or preventing retail competition in such service territory.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 90 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study barriers to electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

Adopted.

Report adopted and ordered to third reading.

**HB 1357-FN**, relative to the form of drivers' licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. George N. Katsakiores for the Majority of Transportation: This bill permits a driver's license holder to determine whether his or her mailing address shall be printed on the driver's license instead of his or her home address. The applicant of a new New Hampshire driver's license shall provide his or her Social Security Number. Once proper identification is confirmed, the applicant may have his or her Social Security Number removed from the Department of Safety records. Vote 12-1.

Rep. Charles F. Weed for the Minority of Transportation: Current Federal law, Section 466 (a) (13) of the Social Security Act requires the recording and keeping on file Social Security numbers from driver's license applications. The SSN does not appear on the driver's license, but is on file to enable the Child Support Enforcement Program to locate individuals for the purposes of establishing paternity and establishing, modifying and enforcing child support obligations. If we pass this bill, all child support money, \$10,000,000 to \$12,000,000 sent to New Hampshire as a categorical grant could be at risk.

### Majority Amendment (2518h)

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicles; Drivers' Licenses; Form of License; Social Security Numbers, Application Form Options; Addresses. Amend RSA 263:40-a to read as follows:

263:40-a Social Security Numbers; **Addresses**; Application Form Options.

I. The application form for a driver's license or a renewal of a driver's license ~~[may] shall~~ request the social security number of the applicant. ~~[An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number.]~~ The application form shall include ~~[a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph;]~~ a box to check off if the applicant does not wish to have his or her social security number appear on the license, **a box to check off if the applicant wishes to have his or her mailing address appear on the license instead of his or her home address**, and a box to check off if the applicant does not wish to have his or her ~~[computerized image, likeness, or photograph]~~ **social security number** retained in the records of the department of safety.

II. An applicant for a driver's license ~~[who has established residency as provided in RSA 263:35]~~ shall provide his **or her** social security number in the application. The social security number shall be retained in the department's records unless the applicant ~~[obtains a waiver]~~ **elects not to have his or her social security number retained** pursuant to paragraph I.

III. Notwithstanding RSA 91-A, RSA 260:14, RSA 261:60, or any other provision of law to the contrary, the social security number shall not be a public record open to the inspection of any person. The department shall not sell or otherwise provide individual social security numbers or lists of social security numbers for any purpose which is not stated in this paragraph. The department shall only make the social security number available to other states for driver record purposes, to any national driver information repository established pursuant to federal law, or, on their request on a case by case basis (a) to a law enforcement agency that requires the social security number for investigative purposes, or (b) to the department of health and human services for use only in the administration of child support enforcement.

IV. At the time that an individual provides the social security number to the department, ~~[he]~~ **the individual** shall be given the opportunity to determine whether he **or she** desires to have the number printed on his **or her** license. If the individual desires not to have the social security number printed on his **or her** license, it shall not be printed on the license.

V. An individual shall be given an opportunity to determine whether his or her mailing address shall be printed on the license instead of his or her home address. If the individual desires to have the mailing address printed on his or her license, the home address shall not be printed on the license. The individual's home address shall be retained in the department's records.

2 Applicability; Current License Holders. Any holder of a New Hampshire driver's license valid on the effective date of this act shall be entitled to a driver's license on which his or her mailing address is printed instead of his or her home address. Such person may exchange his or her license for a license on which the mailing address is printed instead of the home address at the same cost to the license holder as a duplicate license.

3 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill:

I. Permits a driver's license holder to determine whether his or her mailing address shall be printed on the driver's license instead of his or her home address.

II. Clarifies that a driver's license applicant must provide his or her social security number to the department of safety, but may determine whether the social security number appears on the license.

III. Permits a driver's license applicant to elect whether to have his or her social security number retained in the records of the department of safety.

Rep. Packard spoke against majority amendment.

Majority amendment failed.

Rep. Packard offered floor amendment (2839h).

### Floor Amendment (2839h)

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Drivers' Licenses; Form of License; Social Security Numbers, Application Form Options; Addresses. RSA 263:40-a is repealed and reenacted to read as follows:

263:40-a Social Security Numbers; Addresses; Application Form Options.

I.(a) An applicant for a driver's license who has not previously been licensed to drive a motor vehicle in this state shall provide his or her social security number in the application. The applicant shall be given the opportunity to determine whether to have his or her social security number retained in the records of the department of safety. The application form shall include a box to check off if the applicant does not wish to have his or her social security number retained in the records of the department.

(b) The application form for a renewal of a driver's license may request the social security number of the applicant. An applicant who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number. The application form shall include a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph.

(c) The application form for an initial driver's license or a renewal of a driver's license shall include a box to check off if the applicant does not wish to have his or her social security number appear on the license, a box to check off if the applicant wishes to have his or her mailing address appear on the license instead of his or her home address, and a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety.

II. Notwithstanding RSA 91-A, RSA 260:14, RSA 261:60, or any other provision of law to the contrary, the social security number shall not be a public record open to the inspection of any person. The department shall not sell or otherwise provide individual social security numbers or lists of social security numbers for any purpose which is not stated in this paragraph. The department shall only make the social security number available to other states for driver record purposes, to any national driver information repository established pursuant to federal law, or, on their request on a case by case basis (a) to a law enforcement agency that requires the social security number for investigative purposes, or (b) to the department of health and human services for use only in the administration of child support enforcement.

III. At the time that an individual provides the social security number to the department, the individual shall be given the opportunity to determine whether he or she desires to have the number printed on his or her license. If the individual desires not to have the social security number printed on his or her license, it shall not be printed on the license.

IV. An individual shall be given an opportunity to determine whether his or her mailing address shall be printed on the license instead of his or her home address. If the individual desires to have the mailing address printed on his or her license, the home address shall not be printed on the license. The individual's home address shall be retained in the department's records.

Rep. Packard spoke in favor.

Rep. Weed spoke against.

Floor amendment (2839h) adopted.

Rep. Murphy requested a roll call; sufficiently seconded.

The question being adoption of the amended report.

## YEAS 228 NAYS 113

### YEAS 228

#### BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Nedean, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Smith, Edwin
Zerba, Roger			

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Pratt, Leighton	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Barker, Robert	Cobb, John	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Pawlek, Marion	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Craig, James	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dwyer, Paul
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Goley, Jeffrey
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Connell, Timothy

Palangas, Eric  
Salts, Greg  
Tate, Joan

Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

Pepino, Leo  
Souza, Kathleen  
Vaillancourt, Steve

Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Greco, Vincent  
Jacobson, Alf  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Davis, Frank  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Winter, Steven

Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Seldin, Gloria

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Palermo, Diane  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Carson, Sharon  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
O'Neil, Michael  
Putnam, Ed II  
Reardon, Neil  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Boynton, James  
Case, Margaret  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Welch, David

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Reid, Christopher

Berube, Roger  
Dunlap, Patricia  
Wall, Janet

Bickford, David  
Ferland, Paul  
Woods, Phyllis

Callaghan, Frank  
Harrington, Michael

### SULLIVAN

Ferland, Brenda  
Odell, Bob

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

### NAYS 113

### BELKNAP

Boyce, Laurie

Wood, Jane

### CARROLL

Lyman, L Randy

### CHESHIRE

Allen, Peter  
Liebl, George  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John

Espiefs, Peter  
Meador, David  
Richardson, Barbara

### COOS

Landers, Dana

### GRAFTON

Alger, John  
Nordgren, Sharon

Almy, Susan  
Scovner, Nancy

Benn, Bernard  
Sokol, Hilda

Cooney, Mary  
Solow, Martha

**HILLSBOROUGH**

Andosca, Mary	Balboni, Michael	Buckley, Raymond	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Coughlin, Pamela
Daigle, Robert	Drabinowicz, A Theresa	Eaton, Richard	Ford, Nancy
Furman, Christine	Golding, William	Gorman, Mary	Graham, John
Kacavas, John	Keye, Harvey	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Murphy, Robert	Panagopoulos, Nicholas	Peterson, Andrew
Rowe, Robert	Shaw, Barbara	Spieess, Paul	Sullivan, Peter
Sweeney, Cynthia	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Dunne, Christopher
French, Barbara	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Kane, Cecelia	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Spaine, James
Weatherspoon, Jacquelyne			

**STRAFFORD**

Brennan, William	DeChane, Marlene	Estabrook, Iris	Goodwin, Earle
Hughes, Christopher	Johnson, Nancy	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra	Robb, Amy	

and the majority report was adopted.  
Ordered to third reading.

**HB 1456-FN**, relative to information on drivers' licenses. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert J. Letourneau for Transportation: This bill makes it a misdemeanor for any person knowingly to scan, record, retain or store in any electronic form or format, personal information obtained from any driver's license unless authorized by the Department of Safety. While this is current law, this bill establishes clear language outlining unauthorized methods of obtaining and retaining personal information. The amendment provides clearer language relating to legitimate business use of motor vehicle records. Vote 12-1.

**Amendment (2707h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to information on drivers' licenses and relative to motor vehicle records.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Subparagraph; Motor Vehicle Records and Certification; Legitimate Business Defined.  
Amend RSA 260:14, I by inserting after subparagraph (c) the following new subparagraph:

(d) "Legitimate business" means a business which is registered in New Hampshire and which receives compensation in connection with matters of motor vehicle or driver safety or theft, motor vehicle emissions, and motor vehicle market research activities, including survey research.

3 Motor Vehicle Records and Certification; Legitimate Business Use. Amend RSA 260:14, V(a)(1) to read as follows:

(1) For use by a legitimate business in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; per-

formance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research, *so long as the name and address of the individual is not disclosed by the department*; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

4 Motor Vehicle Records and Certification; Legitimate Business Use. Amend RSA 260:14, V(a)(4) to read as follows:

(4) For use by a legitimate business in research activities, and for use by a legitimate business in statistical reports, so long as [any] personal information is not [~~published, redisclosed, or used to contact individuals~~] *disclosed by the department*.

#### AMENDED ANALYSIS

This bill makes it a misdemeanor for any person knowingly to scan, record, retain, or store, in any electronic form or format, personal information obtained from any driver's license, unless authorized by the department of safety. This bill also modifies provisions relating to legitimate business use of motor vehicle records.

Adopted.

Report adopted and ordered to third reading.

**HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The majority of the committee felt that after three consecutive years of substantial business tax increases totaling over \$150 million in new business taxes and in order to preserve New Hampshire as an attractive place to do business, this bill is absolutely necessary. The net operating loss deduction created with the business profits tax allowed a company with losses to limit the amount of losses to \$250,000 per year, going forward five years and going back two years. This puts us as the worst state in the country for any corporation experiencing business losses. With this bill, we are now brought up to par with the federal deduction limits, placing us on a level playing field with other states. It is believed by the majority that this bill will result in a positive tax impact for New Hampshire once the full effect of the tax increases hits businesses. In order to preserve New Hampshire's business advantage and to attract new business and jobs to our state, the majority believes that allowing businesses to re-capture their losses is crucial to the state. We have been strangling businesses through business profit tax increases and tripling the business enterprise taxes. This bill provides at least some consolation for the damage we have done. Vote 10-7.

Rep. David J. Alukonis for the Minority of Ways and Means: The minority of the committee cannot justify a complete elimination of the cap imposed on net operating loss deductions in one fell swoop. It simply costs too much. The majority proposal would lead to the loss of nearly \$60 million in the next biennium. The majority suggests that elimination of the cap will be offset by increased economic development. In order to achieve revenue neutrality, the profitability of our business will need to increase by 15% to 20%. This is simply not realistic. In fact, there is absolutely no guarantee that any business realizing reduced taxes as a result of this proposal will invest those savings in New Hampshire. The profitability of New Hampshire businesses has repeatedly been the highest in New England and amongst the highest in the United States. Most observers will say that productivity, profitability and investment have been hampered not by our tax structure but, rather, by the lack of available workers. The minority agrees with the majority that the New Hampshire Business Profits Tax should be reformed so as to eliminate the cap on the net operating loss carry-forward, but the minority wishes to accomplish this by phasing the cap out over time, thereby reducing the losses to the General Fund and the Educational Trust Fund. The minority amendment would increase the cap to one-half million dollars in 2002 and \$1 million in 2004; it would remove the cap entirely in 2006.

#### Majority Amendment (2756h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect December 31, 2002.

Majority amendment adopted.

Rep. Alukonis offered minority amendment (2845h).



**Minority Amendment (2845h)**

Amend the title of the bill by replacing it with the following:

AN ACT phasing in a net operating loss deduction in computing the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) [(€)] of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the 5 years following the loss year. The amount of net operating loss generated in a tax year that may be carried forward may not exceed [~~\$250,000~~] **\$500,000**. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the [~~amount~~] **first \$250,000** of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. ***A deduction for the remaining \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002.***

2 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the [5] **7** years following the loss year. The amount of net operating loss generated in a tax year that may be carried forward may not exceed [~~\$500,000~~] **\$1,000,000**. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the first \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. A deduction for the [~~remaining~~] **next \$250,000** of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002. ***A deduction for the remaining \$500,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2004.***

3 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the 7 years following the loss year. [~~The amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.~~] In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the first \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. A deduction for the next \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002. A deduction for the [~~remaining~~] **next \$500,000** of the net op-

erating loss carryover shall be limited to losses incurred on or after July 1, 2004. *A deduction for the remaining amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2006.*

4 Applicability.

I. Section 1 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2002.

II. Section 2 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2004.

III. Section 3 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2006.

5 Validity. If any provision or application of RSA 77-A:4, XIII as inserted by this act is found invalid, then the version of RSA 77-A:4, XIII which was in effect on June 30, 2002 shall take effect.

6 Amend RSA 77-A:5-a to read as follows:

77-A:5-a Tax Expenditure Report.

*I. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA 77-A, RSA 77-E, RSA 83-C, RSA 83-D, and RSA 400-A against the business profits tax imposed by this chapter and the apportionment factors under RSA 77-A:3, II(a), and deductions allowed under RSA 77-A:4, XIII.*

*II. The commissioner shall work with the house and senate ways and means committees to produce a reporting format which will provide more useful and informative data as appropriate for legislative purposes.*

7 Effective Date.

I. Sections 1 and 5 and paragraph I of section 4 of this act shall take effect July 1, 2002.

II. Section 2 and paragraph II of section 4 of this act shall take effect July 1, 2004.

III. Section 3 and paragraph III of section 4 of this act shall take effect July 1, 2006.

Rep. Alukonis spoke in favor.

Rep. Konys spoke against

Rep. Herman spoke in favor.

Reps. Weyler and Sapareto spoke against and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being adoption of minority amendment (2845h).

YEAS 95 NAYS 241

YEAS 95  
BELKNAP

Lawton, David

CARROLL

Babson, David Jr

Mock, Henry

Quimby, Lee

Stevens, Stanley

CHESHIRE

Dexter, Judson

Edwards, Dana

Hunt, John

Smith, Edwin

COOS

Pratt, Leighton

Tholl, John Jr

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Scanlan, David

Teschner, Douglass

HILLSBOROUGH

Alukonis, David

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Eaton, Richard

Emerton, Lawrence Sr

Ford, Nancy

Furman, Christine

Hall, Charles

Herman, Keith

Hopper, Gary  
LaRose, Richard  
Pepino, Leo  
Tate, Joan

Jean, Loren  
Lessard, Rudy  
Sargent, Maxwell  
Thulander, O Alan

Kurk, Neal  
Moran, Edward  
Souza, Kathleen  
Vaillancourt, Steve

LaFlamme, Paul  
Pappas, Marc  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Leber, William

Dunne, Christopher  
Swindlehurst, John

Hess, David  
Whalley, Michael

L'Heureux, Stephen  
Winter, Steven

### ROCKINGHAM

Bowles, Raimond  
Cooney, Richard  
Gilbert, Jeffrey  
Johnson, Rogers  
Major, Norman  
Ruffner, Walter  
Trueman, Raymond

Bridle, Russell  
Dowling, Patricia  
Gilbert, Karl  
Katsakiores, George  
McKinney, Betsy  
Sloan, Stephen  
Welch, David

Camm, Kevin  
Fesh, Bob  
Henderson, Warren  
Katsakiores, Phyllis  
Nowe, Ronald  
Stone, Joseph

Clark, Vivian  
Francoeur, Sheila  
Itse, Daniel  
Letourneau, Robert  
Palermo, Diane  
Stritch, C Donald

### STRAFFORD

Cossette, Larry  
Woods, Phyllis

McCarthy, Gerald

Pelletier, Arthur

Pelletier, Marsha

### SULLIVAN

Flint, Gordon Sr

Rodeschin, Beverly

### NAYS 241

### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Rosen, Ralph  
Wood, Jane

Boyce, Laurie  
Nedeau, Stephen  
Russell, David

Czech, Stanley  
Pilliod, James  
Thomas, John

Johnson, William  
Rice, Thomas Jr  
Wendelboe, Fran

### CARROLL

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy

### CHESHIRE

Allen, Peter  
Emerson, Susan  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Avery, Stephen  
Espiefs, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Fairbanks, Chandler  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Liebl, George  
Mitchell, McKim  
Slack, Pamela Russell

### COOS

Bradley, Paula  
Horton, Lynn

Davis, Perley  
Landers, Dana

Gallus, John  
Woodward, David

Guay, Lawrence

### GRAFTON

Almy, Susan  
Ham, Bonnie  
Scovner, Nancy  
Ward, Brian

Barker, Robert  
Lovett, Sid  
Sokol, Hilda  
Williams, Burton

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Sova, Charles

### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bergeron, Jean-Guy

Andosca, Mary  
Baroody, Benjamin  
Buckley, Raymond

Artz, Lawrence  
Batula, Peter  
Carlson, Donald

Balboni, Michael  
Bellavance, Paul  
Chabot, Robert

Clayton, William  
 Craig, James  
 Dokmo, Cynthia  
 Elliott, Larry  
 Ginsburg, Ruth  
 Gorman, Mary  
 Guinta, Frank  
 Johnson, Lionel  
 L'Heureux, Robert  
 Martin, Mary Ellen  
 Melcher, Harold  
 Movesian, Lori  
 Panagopoulos, Nicholas  
 Salts, Greg  
 Sweeney, Cynthia

Clemons, Jane  
 Daigle, Robert  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Gleneck, David  
 Goulet, Maurice  
 Haley, Robert  
 Kacavas, John  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Murphy, Robert  
 Peterson, Andrew  
 Shaw, Barbara  
 White, John

Cote, David  
 Desrosiers, William  
 Drisko, Richard  
 Foster, Linda  
 Golding, William  
 Graham, John  
 Holden, Randolph  
 Keye, Harvey  
 Leishman, Peter  
 McHugh, Claire  
 Messier, Irene  
 O'Connell, Timothy  
 Reeves, Sandra  
 Spiess, Paul  
 Williams, Carol

Cote, Peter  
 Dionne, Kimberley  
 Dyer, Merton  
 Gargas, Carolyn  
 Goley, Jeffrey  
 Greenberg, Gary  
 Jean, Claudette  
 Konys, Christine  
 Lynde, Harold  
 McRae, Karen  
 Milligan, Robert  
 Palangas, Eric  
 Rowe, Robert  
 Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
 Colcord, J D  
 Davis, Frank  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Rodd, Beth  
 Yeaton, Charles

Brewster, Richard  
 Crosby, Toni  
 Feuerstein, Martin  
 Hutchinson, John  
 MacKay, James  
 Rush, Deanna

Burney, Carol  
 Cummings, Raymond  
 French, Barbara  
 Jacobson, Alf  
 Potter, Frances  
 Seldin, Gloria

Clarke, Claire  
 Daneault, Gabriel  
 Greco, Vincent  
 Kennedy, Richard  
 Reardon, Tara  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Boynton, James  
 Clark, Martha Fuller  
 Dearborn, Bruce  
 Flanders, John Sr  
 Hamel, Albert  
 Johnson, Robert  
 Langone, John  
 Norelli, Terie  
 Pantelakos, Laura  
 Quandt, Marshall  
 Robertson, Carl  
 Splaine, James  
 Whittier, John

Belanger, Ronald  
 Carson, Sharon  
 Coes, Betsy  
 DiFruscia, Anthony  
 Giordano, Ronald  
 Hill, Jonathan  
 Kane, Cecelia  
 McGuire, Robert  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Saia, Pamela  
 Varrell, Thomas  
 Zolla, William

Bishop, Franklin  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Gleason, John  
 Holand, James Jr  
 Kobel, Rudolph  
 Micklon, Stephanie  
 O'Neil, Michael  
 Priestley, Anne  
 Rausch, James  
 Sapareto, Frank  
 Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
 Chalbeck, Kevin  
 Dalrymple, Janeen  
 Dumaine, Dudley  
 Griffin, Mary  
 Introne, Robert  
 Langley, Jane  
 Morse, Charles  
 Packard, Sherman  
 Putnam, Ed II  
 Reardon, Neil  
 Shultis, Elizabeth  
 Weyler, Kenneth

### STRAFFORD

Albert, Russell  
 Callaghan, Frank  
 Ferland, Paul  
 Johnson, Nancy  
 Smith, Marjorie  
 Woodill, Rodney

Berube, Roger  
 DeChane, Marlene  
 Goodwin, Earle  
 Proulx, Raymond  
 Snyder, Clair

Bickford, David  
 Dunlap, Patricia  
 Harrington, Michael  
 Reid, Christopher  
 Spang, Judith

Brennan, William  
 Estabrook, Iris  
 Hughes, Christopher  
 Rollo, Michael  
 Wall, Janet

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Leone, Richard

Burling, Peter  
 Harris, Joseph  
 Odell, Bob

Cloutier, John  
 Harris, Sandra  
 Phinzy, James

Ferland, Brenda  
 Jones, Constance

and the minority amendment (2845h) failed.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 326 NAYS 11****YEAS 326****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Rosen, Ralph  
Wood, Jane

Czech, Stanley  
Nedeau, Stephen  
Russell, David

Johnson, William  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Fairbanks, Chandler  
McGuirk, Paul  
Pratt, John  
Weed, Charles

Avery, Stephen  
Edwards, Dana  
Hunt, John  
Meador, David  
Richardson, Barbara  
Zerba, Roger

Batchelder, Robert  
Emerson, Susan  
Liebl, George  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Espiefs, Peter  
Manning, Joseph  
Pratt, Irene  
Smith, Edwin

**COOS**

Bradley, Paula  
Horton, Lynn  
Woodward, David

Davis, Perley  
Landers, Dana

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Gabler, William  
Lovett, Sid  
Scanlan, David  
Sova, Charles

Alger, John  
Cobb, John  
Gilman, G Michael  
Marshall, Gene  
Scovner, Nancy  
Teschner, Douglass

Almy, Susan  
Cooney, Mary  
Giuda, Robert  
Nordgren, Sharon  
Sokol, Hilda  
Ward, Brien

Barker, Robert  
Dudley, Terri  
Ham, Bonnie  
Pawlek, Marion  
Solow, Martha  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Cote, Peter  
Desrosiers, William  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
Konys, Christine  
Leishman, Peter  
McHugh, Claire  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo

Alukonis, David  
Balcom, John  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Coughlin, Pamela  
Dionne, Kimberley  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Gorman, Mary  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
L'Heureux, Robert  
Lynde, Harold  
McRae, Karen  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew

Andosca, Mary  
Baroody, Benjamin  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Elliott, Larry  
Foster, Linda  
Gleneck, David  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
LaFlamme, Paul  
Martin, Mary Ellen  
Melcher, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Reeves, Sandra

Artz, Lawrence  
Batula, Peter  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Cote, David  
Daigle, Robert  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Furman, Christine  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
Leach, Edward  
McDonough-Wallace, Alice  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert

Salts, Greg  
Spiess, Paul  
Tate, Joan  
White, John

Sargent, Maxwell  
Sullivan, Peter  
Thulander, O Alan  
Williams, Carol

Shaw, Barbara  
Sweeney, Cynthia  
Vaillancourt, Steve

Souza, Kathleen  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Colcord, J D  
Davis, Frank  
Greco, Vincent  
Kennedy, Richard  
MacKay, James  
Rush, Deanna  
Whalley, Michael

Brewster, Richard  
Crosby, Toni  
Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
Potter, Frances  
Seldin, Gloria  
Winter, Steven

Burney, Carol  
Cummings, Raymond  
Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Reardon, Tara  
Swindlehurst, John  
Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Carson, Sharon  
Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Kane, Cecelia  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Saia, Pamela  
Splaine, James  
Varrell, Thomas  
Whittier, John

Belanger, Ronald  
Boynton, James  
Case, Margaret  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Palermo, Diane  
Putnam, Ed II  
Reardon, Neil  
Sapareto, Frank  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

Bishop, Franklin  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
O'Keefe, Patricia  
Pantelakos, Laura  
Quandt, Marshall  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

Blanchard, MaryAnn  
Camm, Kevin  
Clark, Martha Fuller  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Pitts, Jacqueline  
Quandt, Matthew  
Ruffner, Walter  
Sloan, Stephen  
Trueman, Raymond  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Estabrook, Iris  
Hughes, Christopher  
Proulx, Raymond  
Snyder, Clair  
Woods, Phyllis

Berube, Roger  
Cossette, Larry  
Ferland, Paul  
Johnson, Nancy  
Reid, Christopher  
Spang, Judith

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
Lent, Donald  
Rollo, Michael  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Harrington, Michael  
McCarthy, Gerald  
Smith, Marjorie  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

### NAYS 11 BELKNAP

None

### CARROLL

None

### CHESHIRE

None

**COOS**

None

**GRAFTON**

Eaton, Stephanie

**HILLSBOROUGH**Eaton, Richard  
Moran, Edward

Kurk, Neal

LaRose, Richard

Lessard, Rudy

**MERRIMACK**

Hess, David

**ROCKINGHAM**

Clark, Vivian

Dowling, Patricia

**STRAFFORD**

Pelletier, Arthur

Pelletier, Marsha

**SULLIVAN**

None

and the majority report was adopted.

Ordered to third reading.

**HB 1417-FN-A**, eliminating the payment of the business enterprise tax on interest paid by business enterprises. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: The Business Enterprise Tax, or BET, consists of three interrelated levies: business salary and wages; dividends; and, interest payments. As drafted in 1994 and signed into law by Governor Merrill, the tax is an integral whole imposed on the labor and capital costs of a business. It was enacted to close a significant loophole whereby virtually all professional associations, including doctors and lawyers, all closely held corporations, and all partnerships and sole proprietorships escaped payment of the business profits tax because they could compensate themselves through wages and interest payments instead of declaring a profit. Removal of the interest component from the BET would re-open this loophole at a cost in lost revenues of more than \$12 million. This bill contains no offsetting revenue. We can't continue to spend money and reduce revenue without an adequate replacement. Removal of the interest component might also jeopardize the legality of the entire BET. Finally, the impact of this tax on small business is nominal. A company that borrows \$300,000 at 8% interest pays a tax of only \$180 at most, and possibly as little as \$90. Vote 10-6.

Rep. Judith Sullivan spoke against and yielded to questions.

Rep. Alukonis spoke in favor.

Adopted.

**HB 1450**, authorizing the sweepstakes commission to allow multi-hall, linked bingo games. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for the Majority of Ways and Means: This bill will allow New Hampshire charities that sponsor bingo to use linked bingo in addition to their current paper bingo games to raise funds for charitable purposes. Present New Hampshire law allows paper bingo and electronic bingo systems for use by New Hampshire charities. This bill authorizes the Sweepstakes Commission to license multi-hall linked bingo, which is simply bingo played using 21st century technology. Players in different locations within New Hampshire can play the same game at the same time. This is not a replacement for traditional paper bingo. It is an additional fundraising tool for charities. Charitable bingo revenue and attendance has been in decline in the past decade, some up to 70 percent. This additional tool will help reverse this trend. The technology provides total accountability for both the charity and New Hampshire Sweepstakes Commission. Current New Hampshire law relative to enforcement, administration and inspection will still apply. Charities from across the state appeared in support of this bill, stating that they need HB 1450 in order to continue the good work they have done without resorting to seeking tax dollars. Vote 9-8.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority of the committee fears that, rather than save social bingo, this bill would kill it. These solitary machines would bleed off enough players to kill the accompanying paper bingo games, which are valued by their patrons for the social opportunities they provide. The bill was heard one day before the vote. No machine or evidence of its

workings in the eight Native American casinos that have them was produced, other than oral testimony about ranges of revenues. The bill leaves it up to the Sweepstakes Commission to decide how to regulate this new technology, who would benefit from it and by how much, and which charities would be left out. In short, it is a pig in a poke – and the pig may be a tusked wild boar.

**Majority Amendment (2706h)**

Amend the bill by replacing section 2 with the following:

2 Bingo Defined. Amend RSA 287-E:1, I to read as follows:

I. “Bingo” means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose, *or on an electronic card marked into squares containing numbers, in a predetermined design, for that purpose, and linked to other such electronic cards by a central computer, in which a prize is offered to one or more players playing against each other in a bingo game in the same or multiple locations.*

Amend RSA 287-E:1, VII-a as inserted by section 3 of the bill by replacing it with the following:

VII-a. “Multi-hall linked bingo game” means any bingo game, as defined in paragraph I, in which a prize is offered to the first person covering squares in a predetermined design on an electronic card marked in squares containing numbers, linked by a central computer, at the same or multiple locations.

Amend RSA 287-E:3, XIII-d as inserted by section 4 of the bill by replacing it with the following:

XIII-d. The number of multi-hall linked bingo machines licensed provided that no more than 1,000 multi-hall linked bingo game machines may be licensed in the state at any one time.

Majority amendment adopted.

Reps. McGuirk, Henderson and Hess spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Marshall Quandt spoke in favor.

Rep. Camm requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 127 NAYS 200**

**YEAS 127**

**BELKNAP**

Bartlett, Gordon	Czech, Stanley	Lawton, David	Nedeau, Stephen
Rosen, Ralph	Russell, David	Wendelboe, Fran	

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
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**CHESHIRE**

Avery, Stephen	Emerson, Susan	Slack, Pamela Russell
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**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
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**GRAFTON**

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Pawlek, Marion	Ward, Brien	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Bellavance, Paul
Bruno, Pierre	Buckley, Raymond	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dwyer, Paul	Eaton, Richard	Emerton, Lawrence Sr
Fields, Dennis	Foster, Linda	Furman, Christine	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Guinta, Frank
Holden, Randolph	Jean, Claudette	Kacavas, John	Keye, Harvey



Konys, Christine  
McRae, Karen  
Panagopoulos, Nicholas  
Vaillancourt, Steve

LaFlamme, Paul  
Milligan, Robert  
Pepino, Leo  
Williams, Carol

Lessard, Rudy  
Murphy, Robert  
Shaw, Barbara

McDonough-Wallace, Alice  
Palangas, Eric  
Tate, Joan

### MERRIMACK

Cummings, Raymond  
Jacobson, Alf  
Winter, Steven

Dunne, Christopher  
Kennedy, Richard

Greco, Vincent  
Leber, William

Hutchinson, John  
Seldin, Gloria

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
DiFruscia, Anthony  
Griffin, Mary  
Kobel, Rudolph  
Nowe, Ronald  
Putnam, Ed II  
Saia, Pamela  
Welch, David

Bishop, Franklin  
Case, Margaret  
Downing, Michael  
Holland, James Jr  
Langone, John  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank  
Weyler, Kenneth

Boynton, James  
Clark, Martha Fuller  
Flanders, John Sr  
Johnson, Robert  
McGuire, Robert  
O'Neil, Michael  
Quandt, Matthew  
Splaine, James  
Whittier, John

Bridle, Russell  
Cooney, Richard  
Giordano, Ronald  
Kane, Cecelia  
Micklon, Stephanie  
Priestley, Anne  
Robertson, Carl  
Trueman, Raymond

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Hughes, Christopher  
Woodill, Rodney

Berube, Roger  
DeChane, Marlene  
McCarthy, Gerald

Bickford, David  
Ferland, Paul  
Proulx, Raymond

Callaghan, Frank  
Harrington, Michael  
Rollo, Michael

### SULLIVAN

Burling, Peter

Harris, Joseph

Leone, Richard

Rodeschin, Beverly

### NAYS 200

### BELKNAP

Boyce, Laurie  
Rice, Thomas Jr

Johnson, William  
Thomas, John

Millham, Alida  
Wood, Jane

Pilliod, James

### CARROLL

Babson, David Jr  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Edwards, Dana  
Liebl, George  
Mitchell, McKim  
Smith, Edwin

Batchelder, Robert  
Espiefs, Peter  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
Fairbanks, Chandler  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Dexter, Judson  
Hunt, John  
Meador, David  
Richardson, Barbara

### COOS

Bradley, Paula  
Woodward, David

Davis, Perley

Pratt, Leighton

Tholl, John Jr

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Lovett, Sid  
Scovner, Nancy  
Teschner, Douglass

Almy, Susan  
Dudley, Terri  
Marshall, Gene  
Sokol, Hilda  
Williams, Burton

Barker, Robert  
Eaton, Stephanie  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Gabler, William  
Scanlan, David  
Sova, Charles

### HILLSBOROUGH

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr

Artz, Lawrence  
Bouchard, David  
Carlson, Donald

Balboni, Michael  
Bragdon, Peter  
Christiansen, Lars

Batula, Peter  
Brundige, Robert  
Coughlin, Pamela

Dionne, Kimberley  
Dyer, Merton  
Ginsburg, Ruth  
Hall, Charles  
Kurk, Neal  
Leishman, Peter  
Melcher, Harold  
Movsesian, Lori  
Reeves, Sandra  
Souza, Kathleen  
Tahir, Saghir

Dokmo, Cynthia  
Elliott, Larry  
Gleneck, David  
Herman, Keith  
L'Heureux, Robert  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Thulander, O Alan

Drabinowicz, A Theresa  
Ford, Nancy  
Golding, William  
Hopper, Gary  
LaRose, Richard  
Martin, Mary Ellen  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Sullivan, Peter  
Wheeler, Robert

Drisko, Richard  
Gargas, Carolyn  
Greenberg, Gary  
Jean, Loren  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Sweeney, Cynthia  
White, John

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Hess, David  
Potter, Frances  
Swindlehurst, John

Bouchard, Candace  
Colcord, J D  
Feuerstein, Martin  
L'Heureux, Stephen  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Crosby, Toni  
French, Barbara  
Lockwood, Priscilla  
Rodd, Beth  
Whalley, Michael

Burney, Carol  
Daneault, Gabriel  
Hager, Elizabeth  
MacKay, James  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce  
Francoeur, Sheila  
Hamel, Albert  
Itse, Daniel  
Langley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Coes, Betsy  
Dowling, Patricia  
Gilbert, Jeffrey  
Henderson, Warren  
Johnson, Rogers  
Letourneau, Robert  
Packard, Sherman  
Rausch, James  
Sloan, Stephen  
Zolla, William

Bowles, Raimond  
Cox, Russell  
Dumaine, Dudley  
Gilbert, Karl  
Hill, Jonathan  
Katsakiores, George  
Major, Norman  
Palermo, Diane  
Reardon, Neil  
Stritch, C Donald

Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Pantelakos, Laura  
Ruffner, Walter  
Varrell, Thomas

### STRAFFORD

Dunlap, Patricia  
Lent, Donald  
Smith, Marjorie  
Woods, Phyllis

Estabrook, Iris  
Pelletier, Arthur  
Snyder, Clair

Goodwin, Earle  
Pelletier, Marsha  
Spang, Judith

Johnson, Nancy  
Reid, Christopher  
Wall, Janet

### SULLIVAN

Allison, David  
Harris, Sandra

Cloutier, John  
Jones, Constance

Ferland, Brenda  
Odell, Bob

Flint, Gordon Sr  
Phinzy, James

and the majority report failed.

Rep. McGuirk moved Refer to Interim Study.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question now being adoption of Refer to Interim Study.

### YEAS 252 NAYS 75

#### YEAS 252

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Thomas, John

Boyce, Laurie  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Rosen, Ralph

Lawton, David  
Russell, David

#### CARROLL

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Hunt, John	Liebl, George	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Smith, Edwin	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Tholi, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Lovett, Sid	Marshall, Gene
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Sokol, Hilda
Sova, Charles	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, Kimberley	Drisko, Richard
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Guinta, Frank	Hall, Charles	Holden, Randolph
Jean, Claudette	Jean, Loren	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Leishman, Peter	Lessard, Rudy
McDonough-Wallace, Alice	Mercer, Robert	Milligan, Robert	Moran, Edward
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	White, John	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Burney, Carol	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	French, Barbara
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Leber, William	Lockwood, Priscilla	MacKay, James
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Boynton, James	Bridle, Russell	Camm, Kevin
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John

Letourneau, Robert  
Micklon, Stephanie  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Shultis, Elizabeth  
Trueman, Raymond  
Whittier, John

Major, Norman  
Norelli, Terie  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Sloan, Stephen  
Varrell, Thomas

McGuire, Robert  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Marshall  
Saia, Pamela  
Splaine, James  
Welch, David

McKinney, Betsy  
O'Keefe, Patricia  
Pitts, Jacqueline  
Quandt, Matthew  
Sapareto, Frank  
Stritch, C Donald  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Ferland, Paul  
Johnson, Nancy  
Snyder, Clair

Bickford, David  
Goodwin, Earle  
McCarthy, Gerald  
Wall, Janet

Callaghan, Frank  
Harrington, Michael  
Proulx, Raymond  
Woodill, Rodney

DeChane, Marlene  
Hughes, Christopher  
Rollo, Michael  
Woods, Phyllis

### SULLIVAN

Burling, Peter  
Harris, Sandra  
Rodeschin, Beverly

Cloutier, John  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

Harris, Joseph  
Phinizy, James

### NAYS 75

### BELKNAP

Johnson, William

Nedeau, Stephen

Pilliod, James

Wood, Jane

### CARROLL

Babson, David Jr

Philbrick, Donald

Stevens, Stanley

### CHESHIRE

Fairbanks, Chandler

Manning, Joseph

### COOS

Gallus, John

### GRAFTON

Benn, Bernard  
Solow, Martha

Dudley, Terri  
Teschner, Douglass

Eaton, Stephanie  
Williams, Burton

Scovner, Nancy

### HILLSBOROUGH

Balboni, Michael  
Drabinowicz, A Theresa  
Gleneck, David  
Lynde, Harold  
Melcher, Harold  
Salts, Greg

Bergeron, Jean-Guy  
Dwyer, Paul  
Greenberg, Gary  
Martin, Mary Ellen  
Messier, Irene  
Sullivan, Peter

Coughlin, Pamela  
Elliott, Larry  
Herman, Keith  
McHugh, Claire  
Movsesian, Lori  
Wheeler, Robert

Dokmo, Cynthia  
Ford, Nancy  
Hopper, Gary  
McRae, Karen  
Pepino, Leo

### MERRIMACK

Brewster, Richard  
Feuerstein, Martin  
Wallner, Mary Jane

Clarke, Claire  
Hager, Elizabeth  
Yeaton, Charles

Crosby, Toni  
L'Heureux, Stephen

Dunne, Christopher  
Potter, Frances

### ROCKINGHAM

Clark, Vivian  
Dumaine, Dudley  
Reardon, Neil

Coes, Betsy  
Fesh, Bob  
Ruffner, Walter

Cox, Russell  
Hill, Jonathan  
Weatherspoon, Jacquelyne

Dearborn, Bruce  
Palermo, Diane  
Zolla, William

### STRAFFORD

Berube, Roger  
Lent, Donald  
Smith, Marjorie

Cossette, Larry  
Pelletier, Arthur  
Spang, Judith

Dunlap, Patricia  
Pelletier, Marsha

Estabrook, Iris  
Reid, Christopher

**SULLIVAN**

Allison, David                      Ferland, Brenda                      Odell, Bob  
and the motion to Refer for Interim Study was adopted.

**SPECIAL ORDERS**

Without objection, the Speaker ordered the bills removed from today's Consent Calendar, **HB 1429**, relative to the scope of the consumer protection act, **HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services, **HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission, **HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election, be Special Ordered to the end of the Regular Calendar on Thursday, March 7, 2002.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 7, 2002 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1299-FN**, establishing a committee to study the creation of a marriage education and enhancement program.

**HB 1201**, relative to charitable trust customer data.

**HB 1203**, relative to retroactive health insurance denials.

**HB 1208**, relative to real estate broker liens.

**HB 1225**, relative to disclosure of referral restrictions.

**HB 1413**, relative to disclosure of information by hospitals.

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses.

**HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests.

**HB 1460-FN**, relative to penalties for alcohol- and drug-related offenses.

**HB 1443**, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities.

**HB 1308**, relative to checklist corrections on election day.

**HB 1218**, relative to the regulation of pharmacists and prescription drug orders.

**HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program.

**HB 1366-FN**, establishing a state employee recognition and award program.

**HB 1372-FN**, relative to certain residential care facilities.

**HB 1455-FN-L**, establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

**HB 556-FN-A**, relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation.

**HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund.

**HB 1230-FN**, authorizing the commissioner of the department of education to expend funds for special education advocacy.

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

**HB 1409-FN-A-L**, relative to payment of autopsy expenses.

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

**HB 1465**, extending the New Hampshire task force on deafness and hearing loss.

**HB 1393**, relative to business replacement costs resulting from government program displacement.

**HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees.

**HB 1329-FN**, relative to fiscal notes.

**HB 1435**, extending the reporting dates of certain study committees.

**HB 1441**, relative to the availability of records of the joint committee on legislative facilities.

**HB 1121**, relative to capital improvement committees.

**HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards.

**HB 1274**, relative to town clerks and deputy town clerks.

**HB 1344-L**, establishing a village plan alternative subdivision in zoning and land use planning laws.

**HB 1407**, relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances.

**HB 1415**, relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system.

**HB 1473-FN-A**, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility.

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders.

**HB 1172**, relative to the adoption of rules for certain wetland permits.

**HB 1252**, relative to the membership of the wetlands council.

**HB 1134**, relative to lighting requirements for motor vehicles and trailers.

**HB 1235**, relative to operation of motorized vessels and safe boater education.

**HB 1438-FN-A**, relative to registration of health clubs.

**HB 1159**, relative to substituting generic drugs for legend and non-legend drugs.

**HB 1365-FN**, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

**HB 1433**, prohibiting intoxication and constructive possession of alcohol by minors.

**HB 1190**, relative to a one-year certificate of eligibility to teach.

**HB 1260-FN**, relative to certification and licensing of teachers and school administrators.

**HB 1318**, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

**HB 1388**, relative to respiratory care.

**HB 179-FN**, including 17 year olds under RSA 169-B, the juvenile delinquency statute.

**HB 212-FN**, providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state.

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

**HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor.

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

**HB 1194**, relative to medical records.

**HB 1468-FN**, relative to prescription drugs and medicaid best practices.

**HB 1360-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

**HB 1342**, relative to preparation of fiscal notes.

**HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities.

**HB 2000**, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

**HB 1349-FN-A**, establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

**HB 1357-FN**, relative to the form of drivers' licenses.

**HB 1456-FN**, relative to information on drivers' licenses and relative to motor vehicle records.

**HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax.

### UNANIMOUS CONSENT

Rep. Avery addressed the House.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:20 p.m.

### RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 9

March 7, 2002

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God of compassion and light, You see Your world torn by hatred, greed and violence. Make us instruments of Your peace. Protect those who defend us from hatred. Receive into larger life those who have died in the service of our country. Forgive us when we have added to the brokenness of Your world.

May all the work accomplished in this honorable House reflect our gratitude for the many blessings we share as citizens of the United States and our beloved New Hampshire. Amen.

Rep. James Rausch led the Pledge of Allegiance.

The National Anthem was sung by Heather Bean, Amanda Waldron and Matthew Savage, students from Franklin High School.

## LEAVES OF ABSENCE

Reps. Arnold, DePecol, Flanagan, Fletcher, William Kelley, Rodrigue, Royce, Slack, Woodill, the day, illness.

Reps. Callaghan, Cardin, Dunne, Donald Flanders, Marilyn Fraser, Jeffrey Gilbert, Heon, Mears, Owen, Salatiello, Schulze, Soltani, Stevens, Tsiros, Twombly and Woodward, the day, important business.

Reps. Lasky and Naro, the day, death in the family.

## INTRODUCTION OF GUESTS

Peter Tholl, brother of Rep. Tholl. Erika Johnson, Stan Kaluder and Kathy Klosterman, wife, father-in-law and guest of Rep. William Johnson. Pam Waldron, guest of the Speaker.

Boys 12 and under and Girls 14 and under teams, the Stratham Strikers State soccer champions, guests of Rep. Pantelakos. Conant High School boys basketball team, State Class M champions, guests of Reps. Hunt, Emerson, Manning and Royce.

## COMMITTEE REPORTS

### REGULAR CALENDAR

**HB 1346**, relative to participation in certain health education programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. P. Judith Sullivan for the Majority of Education: Due to the sensitive nature of teaching sexuality in our public schools, the majority of the Education Committee believes it is important that we provide the opportunity for the individual parents or legal guardian to decide if they want their child to participate in the sexuality component of the health curriculum. This bill, as amended, simply requires that the school district provide the parents or legal guardian with a clear outline of the sexuality component of the program and grant permission for their child to participate. Vote 9-6.

Rep. Iris W. Estabrook for the Minority of Education: The minority believes local school boards should retain authority over parental approval procedures for student participation in health education programs. We also see logistical problems in implementing this proposed law, especially in large school districts, such as Manchester. Additionally, in such districts the significant costs of implementation are mandated by this bill, raising 28-a issues.

### Majority Amendment (2422h)

Amend the bill by replacing section 1 with the following:

1 New Section; Participation in Sexuality Component of Health Education; Parental Consent Required. Amend RSA 189 by inserting after section 11-b the following new section:



189:11-c Participation in Sex Education Programs. The local school board, prior to the introduction of the sexuality component of the health curriculum, shall provide a clear written outline of the program content, along with the name and affiliations of all program speakers, to the parent or legal guardian of each pupil in the program. The school district shall obtain written authorization from a parent or legal guardian of each pupil in the program, prior to the introduction of the sexuality component of the health curriculum, acknowledging receipt of the program outline and granting permission for the pupil to participate in the program.

### AMENDED ANALYSIS

This bill requires the local school board to provide a written outline of the sexuality component of the health curriculum and requires the school board to obtain written consent of a parent or legal guardian prior to the participation of a pupil in such program.

Majority amendment adopted.

Rep. Estabrook spoke against.

Rep. Ward spoke in favor and yielded to questions.

Rep. Pilliod spoke against and yielded to questions.

Rep. Arndt spoke in favor.

Rep. Henderson spoke against and requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 157 NAYS 185

#### YEAS 157

##### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph  
Wood, Jane

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

##### CARROLL

Babson, David Jr  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy  
Torresen, Gary

##### CHESHIRE

Avery, Stephen  
Liebl, George

Dexter, Judson  
Roberts, William

Edwards, Dana  
Smith, Edwin

Fairbanks, Chandler

##### COOS

Guay, Lawrence

Horton, Lynn

Stohl, Eric

Tholl, John Jr

##### GRAFTON

Akins, Ralph  
Dudley, Terri  
Mirski, Paul

Alger, John  
Gabler, William  
Scanlan, David

Barker, Robert  
Giuda, Robert  
Sova, Charles

Cobb, John  
Marshall, Gene  
Ward, Brien

##### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Gonzalez, Carlos  
Herman, Keith  
Lefebvre, Roland  
McHugh, Claire  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Alukonis, David  
Bergeron, Jean-Guy  
Carlson, Donald  
Desrosiers, William  
Fields, Dennis  
Goulet, Maurice  
Hopper, Gary  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
White, Donald

Artz, Lawrence  
Bouchard, David  
Christiansen, Lars  
Dionne, Kimberley  
Gleneck, David  
Greenberg, Gary  
Jean, Loren  
Martel, Andre  
Melcher, Harold  
Pappas, Marc  
Salts, Greg  
Tate, Joan

Balboni, Michael  
Bruno, Pierre  
Clegg, Robert Jr  
Dyer, Merton  
Golding, William  
Hall, Charles  
L'Heureux, Robert  
Martin, Mary Ellen  
Mercer, Robert  
Pepino, Leo  
Seibel, Christopher  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Winter, Steven

Hess, David  
Leber, William

Hutchinson, John  
Swindlehurst, John

L'Heureux, Stephen  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dumaine, Dudley  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Major, Norman  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Fesh, Bob  
Gleason, John  
Hill, Jonathan  
Katsakiores, Phyllis  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Welch, David

Bishop, Franklin  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanders, John Sr  
Griffin, Mary  
Holland, James Jr  
Langley, Jane  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Letourneau, Robert  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
McCarthy, Gerald

Berube, Roger  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

**SULLIVAN**

Flint, Gordon Sr

Rodeschin, Beverly

**NAYS 185**

**BELKNAP**

Dewhirst, Glenn  
Rice, Thomas Jr

Johnson, William

Millham, Alida

Pilliod, James

**CARROLL**

Bradley, Jeb

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Espieffs, Peter  
Meader, David  
Richardson, Barbara

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Weed, Charles

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

Emerson, Susan  
McGuirk, Paul  
Pratt, John

**COOS**

Bradley, Paula

Gallus, John

Landers, Dana

Pratt, Leighton

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Williams, Burton

Eaton, Stephanie  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Bragdon, Peter  
Clayton, William  
Daigle, Robert  
Drisko, Richard  
Foster, Linda  
Goley, Jeffrey

Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Dionne, David  
Dwyer, Paul  
Furman, Christine  
Gorman, Mary

Bellavance, Paul  
Chabot, Robert  
Cote, David  
Dokmo, Cynthia  
Eaton, Richard  
Gargas, Carolyn  
Graham, John

Bergin, Peter  
Christensen, D L Chris  
Cote, Peter  
Drabinowicz, A Theresa  
Ford, Nancy  
Ginsburg, Ruth  
Guinta, Frank

Hall, Betty  
Kacavas, John  
LaRose, Richard  
Messier, Irene  
Palangas, Eric  
Shaw, Barbara  
Vaillancourt, Steve

Holden, Randolph  
Keye, Harvey  
Leach, Edward  
Mosesian, Lori  
Panagopoulos, Nicholas  
Spiess, Paul  
White, John

Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Murphy, Robert  
Peterson, Andrew  
Sullivan, Peter  
Williams, Carol

Johnson, Lionel  
Kurk, Neal  
Lynde, Harold  
O'Connell, Timothy  
Sargent, Maxwell  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
MacKay, James  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Maxfield, Roy  
Rodd, Beth  
Yeaton, Charles

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Rush, Deanna

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Johnson, Robert  
Langone, John  
Norelli, Terie  
Rausch, James  
Sloan, Stephen

Bowles, Raimond  
Cox, Russell  
Kane, Cecelia  
McGuire, Robert  
O'Keefe, Patricia  
Robertson, Carl  
Splaine, James

Clark, Martha Fuller  
Downing, Michael  
Kelley, Jane  
McKinney, Betsy  
Pantelakos, Laura  
Saia, Pamela  
Trueman, Raymond

Coes, Betsy  
Francoeur, Sheila  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Proulx, Raymond  
Snyder, Clair

Brown, Julie  
Ferland, Paul  
Hughes, Christopher  
Lent, Donald  
Reid, Christopher  
Spang, Judith

DeChane, Mariene  
Gilmore, Gary  
Johnson, Nancy  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinzy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

and the majority report failed.

Rep. Bergin moved *Inexpedient to Legislate* and spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 1346**, relative to participation in certain health education programs, be laid on the table.

Rep. McHugh requested a roll call; sufficiently seconded.

The question being the motion to lay **HB 1346** on the table.

### YEAS 145 NAYS 203

#### YEAS 145

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph  
Wood, Jane

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

#### CARROLL

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy  
Torressen, Gary

**CHESHIRE**

Dexter, Judson  
Roberts, William

Edwards, Dana  
Smith, Edwin

Fairbanks, Chandler

Hunt, John

**COOS**

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gabler, William  
Mirski, Paul

Barker, Robert  
Giuda, Robert  
Scanlan, David

Cobb, John  
Ham, Bonnie  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Batula, Peter  
Carlson, Donald  
Desrosiers, William  
Gleneck, David  
Herman, Keith  
Lefebvre, Roland  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir

Alukonis, David  
Bergeron, Jean-Guy  
Christiansen, Lars  
Dionne, Kimberley  
Gonzalez, Carlos  
Hopper, Gary  
Lessard, Rudy  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan

Artz, Lawrence  
Bouchard, David  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Greenberg, Gary  
Jean, Loren  
Martel, Andre  
Mercer, Robert  
Pepino, Leo  
Seibel, Christopher  
White, Donald

Balboni, Michael  
Bruno, Pierre  
Coughlin, Pamela  
Fields, Dennis  
Hall, Charles  
LaFlamme, Paul  
Martin, Mary Ellen  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Winter, Steven

Hess, David  
Leber, William

Hutchinson, John  
Swindlehurst, John

L'Heureux, Stephen  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Carson, Sharon  
Dumaine, Dudley  
Giordano, Ronald  
Hill, Jonathan  
Langley, Jane  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Chalbeck, Kevin  
Fesh, Bob  
Griffin, Mary  
Holland, James Jr  
Letourneau, Robert  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

Bridle, Russell  
Clark, Vivian  
Flanders, John Sr  
Hamel, Albert  
Introne, Robert  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Albert, Russell  
Reid, Christopher

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

McCarthy, Gerald

**SULLIVAN**

Rodeschin, Beverly

**NAYS 203****BELKNAP**

Dewhirst, Glenn  
Rice, Thomas Jr

Johnson, William

Millham, Alida

Pilliod, James

**CARROLL**

Babson, David Jr

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Espiefs, Peter	Liebl, George	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Gallus, John	Landers, Dana
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Lovett, Sid	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bragdon, Peter	Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Daigle, Robert	Dionne, David	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Elliott, Larry	Ford, Nancy	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Guinta, Frank	Hall, Betty	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leach, Edward
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	Murphy, Robert	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Sargent, Maxwell
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Jacobson, Alf
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Francoeur, Sheila
Gleason, John	Johnson, Robert	Kane, Cecelia	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langone, John	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Robertson, Carl	Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Gillmore, Gary	Goodwin, Earle	Grassie, Anne	Hughes, Christopher

Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Wall, Janet

Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair

Knowles, William  
Proulx, Raymond  
Spang, Judith

Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

and the motion to lay on the table failed.

The question now being Inexpedient to Legislate.

On a division vote, 211 members having voted in the affirmative and 137 members in the negative, Inexpedient to Legislate was adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bruce L. Dearborn for the Majority of Education: This bill would require school districts to authorize a period of time during the day for the recitation of the pledge of allegiance and would require all pupils to stand during the recitation while retaining the voluntary nature of the recitation. The Committee thoroughly debated the merits and implications of the bill as well as possible amendments. The majority of the Committee continues to support the rationale stated in the original blurb on February 21st. The members of the Committee unanimously share the sense of pride and patriotism expressed by those who testified in favor of this legislation. But while the intent of the sponsors is clear, its practical impact is not. Some members were concerned that the bill, having no penalties for non-compliance, would have no binding effect. Other members were concerned that, if school districts were sued for non-compliance, court-imposed penalties could include fines or worse. Even schools that comply may face legal costs if they are sued on a Constitutional challenge to the mandate in the bill that all children must stand for the pledge. Some members were concerned that the bill amends existing statute that essentially codifies the Lord's Prayer and leaves it on the books as the prayer of "our pilgrim fathers" although New Hampshire is a state of many religious faiths. Many members believed that it is inconsistent to force children to honor freedom. The sense of the committee was that patriotism is best expressed freely from the heart, not mandated by government. Vote 9-8.

Rep. Stephen L'Heureux for the Minority of Education: Some members who voted with the minority feel that patriotism is borne from the heart and this legislation may not have the desired effect of the sponsor. However, those same members did recognize that daily recitation of the Pledge of Allegiance may lay the foundation for a lifetime of patriotism leading into adulthood and this solid foundation should begin in our elementary, formative years. The minority of the committee shares some of the concerns of the majority about the bill's workability and constitutional implications, but still believes that HB 1446 Ought To Pass.

Reps. Putnam, Rosen, Loren Jean, Pepino and Estabrook spoke against.

Reps. Cox, Judith Sullivan and Dearborn spoke in favor.

Reps. Guay, Jacobson and Sapareto spoke against and yielded to questions.

Rep. Estabrook requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 121 NAYS 234**

**YEAS 121**

**BELKNAP**

Millham, Alida

Pilliod, James

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Hunt, John  
Pratt, Irene

Burnham, Daniel  
McGuirk, Paul  
Pratt, John

Dexter, Judson  
Meador, David  
Richardson, Barbara

**COOS**

Bradley, Paula

Davis, Perley

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Scovner, Nancy

Almy, Susan  
Marshall, Gene  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

**HILLSBOROUGH**

Bragdon, Peter  
Drabinowicz, A Theresa  
Furman, Christine  
Goley, Jeffrey  
Johnson, Lionel  
LaFlamme, Paul  
Martin, Mary Ellen  
Williams, Carol

Clayton, William  
Drisko, Richard  
Gargas, Carolyn  
Gorman, Mary  
Keye, Harvey  
LaRose, Richard  
Sullivan, Peter

Clemons, Jane  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Betty  
Konys, Christine  
Leishman, Peter  
Vaillancourt, Steve

Cote, David  
Foster, Linda  
Gleneck, David  
Jean, Claudette  
Kurk, Neal  
Lynde, Harold  
White, John

**MERRIMACK**

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Moore, Carol  
Seldin, Gloria

Burney, Carol  
Feuerstein, Martin  
Hager, Elizabeth  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Fraser, Leo Jr  
Lockwood, Priscilla  
Reardon, Tara  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Maxfield, Roy  
Rodd, Beth

**ROCKINGHAM**

Blanchard, MaryAnn  
Cox, Russell  
Kelley, Jane  
Pitts, Jacqueline  
Splaine, James

Bowles, Raimond  
Dalrymple, Janeen  
Norelli, Terie  
Robertson, Carl  
Stritch, C Donald

Case, Margaret  
Dearborn, Bruce  
O'Keefe, Patricia  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Coes, Betsy  
Kane, Cecelia  
Pantelakos, Laura  
Sloan, Stephen

**STRAFFORD**

Bickford, David  
Gilmore, Gary  
Hughes, Christopher  
Pelletier, Arthur  
Spang, Judith

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Proulx, Raymond  
Taylor, Kathleen

Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Smith, Marjorie  
Wall, Janet

Ferland, Paul  
Harrington, Michael  
Lent, Donald  
Snyder, Clair

**SULLIVAN**

Allison, David  
Franklin, Peter

Burling, Peter  
Robb, Amy

Cloutier, John

Ferland, Brenda

**NAYS 234****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Johnson, William  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Dewhirst, Glenn  
Rice, Thomas Jr  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torresen, Gary

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Liebl, George  
Zerba, Roger

Edwards, Dana  
Manning, Joseph

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Landers, Dana

**GRAFTON**

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Barker, Robert  
Giuda, Robert  
Scanlan, David  
Williams, Burton

Cobb, John  
Ham, Bonnie  
Sova, Charles

Dudley, Terri  
Lovett, Sid  
Teschner, Douglass

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Dionne, David  
Elliott, Larry  
Ford, Nancy  
Graham, John  
Herman, Keith  
Kacavas, John  
Lessard, Rudy  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Salts, Greg  
Souza, Kathleen  
Tate, Joan

Alukonis, David  
Baroody, Benjamin  
Bergin, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Melcher, Harold  
Moran, Edward  
Palangas, Eric  
Peterson, Andrew  
Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan

Andosca, Mary  
Batula, Peter  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Daigle, Robert  
Dokmo, Cynthia  
Fields, Dennis  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Leach, Edward  
McDonough-Wallace, Alice  
Mercer, Robert  
Movsesian, Lori  
Panagopoulos, Nicholas  
Reeves, Sandra  
Seibel, Christopher  
Sweeney, Cynthia  
Wheeler, Robert

Artz, Lawrence  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert Jr  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Lefebvre, Roland  
McHugh, Claire  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Shaw, Barbara  
Tahir, Saghir  
White, Donald

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Jacobson, Alf  
Leber, William  
Whalley, Michael

Brewster, Richard  
Gile, Mary  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Colcord, J D  
Hess, David  
L'Heureux, Stephen  
Rush, Deanna

Cummings, Raymond  
Hutchinson, John  
Langer, Ray  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Clark, Martha Fuller  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Packard, Sherman

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Langley, Jane  
McGuire, Robert  
Morse, Charles  
Palermo, Diane

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Power, Lucille

Boynnton, James  
Chalbeck, Kevin  
Corbin, Corey  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
O'Neil, Michael  
Priestley, Anne



Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Quandt, Marshall  
Ruffner, Walter  
Trueman, Raymond  
Whittier, John

Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Rausch, James  
Sapareto, Frank  
Welch, David

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Musler, George

Berube, Roger  
Dunlap, Patricia  
Reid, Christopher

Brennan, William  
Knowles, William  
Rollo, Michael

Brown, Julie  
McCarthy, Gerald  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr  
Leone, Richard

Harris, Joseph  
Odell, Bob

Harris, Sandra  
Phinzy, James

Jones, Constance  
Rodeschin, Beverly

and the majority report failed.

Rep. Robert L'Heureux moved Ought to Pass and spoke in favor.

Rep. Estabrook offered floor amendment (2736h).

### Floor Amendment (2736h)

Amend the bill by replacing all after the enacting clause with the following:

I School Districts; Lord's Prayer and Pledge of Allegiance. RSA 194:15-a is repealed and reenacted to read as follows:

194:15-a New Hampshire School Patriot Act.

I. As a continuation of the policy of teaching our country's history to the elementary and secondary pupils of this state, this section shall be known as the New Hampshire School Patriot Act.

II. A school district shall authorize a period of time during the school day for the recitation of the pledge of allegiance. Pupil participation in the recitation of the pledge of allegiance shall be voluntary. Pupils shall be reminded that the pledge of allegiance is an affirmation of the freedoms we enjoy, and is recited in remembrance of all the people who have sacrificed their lives in defense of our country and in the service of freedom.

III. Pupils shall be required to stand during the recitation of the pledge of allegiance as a gesture of respect to our nation's flag just as the public is required to stand when addressing a judge in court as a gesture of respect to our judicial system. If this paragraph shall be declared to be unconstitutional or otherwise invalid, the remaining paragraphs in this section shall not be affected, and shall continue in full force and effect.

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Estabrook spoke in favor.

Rep. Henderson spoke against.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (2736h).

### YEAS 107 NAYS 249

### YEAS 107 BELKNAP

Dewhirst, Glenn

Johnson, William

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Mitchell, McKim  
Weed, Charles

Burnham, Daniel  
Pratt, Irene

Espieffs, Peter  
Pratt, John

### COOS

Bradley, Paula

### GRAFTON

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Mirski, Paul  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

**HILLSBOROUGH**

Clayton, William	Clemons, Jane	Craig, James	Eaton, Richard
Ford, Nancy	Foster, Linda	Furman, Christine	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaFlamme, Paul
Leishman, Peter	Panagopoulos, Nicholas	Seibel, Christopher	Sullivan, Peter
Sweeney, Cynthia	Vaillancourt, Steve	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Davis, Frank	Feuerstein, Martin	French, Barbara
Hager, Elizabeth	Maxfield, Roy	Moore, Carol	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Wallner, Mary Jane
Winter, Steven	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Coes, Betsy	Cox, Russell
Kane, Cecelia	Kelley, Jane	McGuire, Robert	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne	

**STRAFFORD**

DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra	Robb, Amy	

**NAYS 249****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Meador, David	Roberts, William	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Stohl, Eric	Tholl, John Jr

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Desrosiers, William	Dionne, David	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Flora, Kathleen
Gargas, Carolyn	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kacavas, John	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leach, Edward	Lefebvre, Roland	Lessard, Rudy
Lynde, Harold	Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen
Spieß, Paul	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Daneault, Gabriel
Fraser, Leo Jr	Gile, Mary	Greco, Vincent	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Rush, Deanna	Swindlehurst, John	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Brown, Julie	Cossette, Larry	Dunlap, Patricia	Ferland, Paul
Harrington, Michael	Knowles, William	McCarthy, Gerald	Musler, George
Reid, Christopher	Woods, Phyllis		

**SULLIVAN**

Ferland, Brenda	Flint, Gordon Sr	Jones, Constance	Leone, Richard
Odell, Bob	Phinizy, James	Rodeschin, Beverly	
and the floor amendment failed.			

The question now being adoption of the motion of Ought to Pass.  
 Rep. Vaillancourt spoke against.  
 Rep. Scanlan spoke in favor and yielded to questions.  
 Rep. Sapareto requested a roll call; sufficiently seconded.  
 The question now being adoption of the motion of Ought to Pass.

## YEAS 253 NAYS 101

### YEAS 253

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Johnson, William	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Sullivan, P Judith	Torresen, Gary	

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Liebl, George	Manning, Joseph	Meador, David
Roberts, William	Smith, Edwin	Zerba, Roger	

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Pratt, Leighton	Stohl, Eric	Tholl, John Jr	

#### GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gabler, William	Giuda, Robert	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Coughlin, Pamela	Daigle, Robert	Desrosiers, William
Dionne, David	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kacavas, John	L'Heureux, Robert	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Spies, Paul	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Daneault, Gabriel
Feuerstein, Martin	Fraser, Leo Jr	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
MacKay, James	Rush, Deanna	Swindlehurst, John	Whalley, Michael
Winter, Steven			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Moore, Benjamin	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Albert, Russell	Berube, Roger	Brennan, William	Brown, Julie
Cossette, Larry	Dunlap, Patricia	Ferland, Paul	Knowles, William
McCarthy, Gerald	Musler, George	Reid, Christopher	Rollo, Michael
Taylor, Kathleen	Woods, Phyllis		

**SULLIVAN**

Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Rodeschin, Beverly

**NAYS 101****BELKNAP**

Wood, Jane

None

**CARROLL****CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiels, Peter
Hunt, John	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Weed, Charles	

**COOS**

Bradley, Paula	Davis, Perley
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**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

**HILLSBOROUGH**

Bragdon, Peter	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Drabinowicz, A Theresa	Eaton, Richard	Furman, Christine
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Jean, Claudette

Johnson, Lionel  
LaFlamme, Paul  
Martin, Mary Ellen  
Williams, Carol

Keye, Harvey  
LaRose, Richard  
Sullivan, Peter

Konys, Christine  
Leishman, Peter  
Vaillancourt, Steve

Kurk, Neal  
Lynde, Harold  
White, John

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Maxfield, Roy  
Rodd, Beth

Brewster, Richard  
Davis, Frank  
Moore, Carol  
Seldin, Gloria

Burney, Carol  
French, Barbara  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Lockwood, Priscilla  
Reardon, Tara  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Kelley, Jane  
Robertson, Carl

Coes, Betsy  
Norelli, Terie  
Shultis, Elizabeth

Dearborn, Bruce  
O'Keefe, Patricia  
Splaine, James

Kane, Cecelia  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

### STRAFFORD

Bickford, David  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Wall, Janet

Estabrook, Iris  
Harrington, Michael  
Lent, Donald  
Smith, Marjorie

Gilmore, Gary  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

### SULLIVAN

Allison, David  
Franklin, Peter

Burling, Peter  
Robb, Amy

Cloutier, John

Ferland, Brenda

and the motion was adopted.

Ordered to third reading.

Rep. Pappas did not vote and wished to be recorded in favor.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Pitts requested that her protest be entered in the Journal.

I, Jacqueline Pitts, wish to protest the passage of House Bill 1446 on the grounds that it is unconstitutional.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 285, 622, 681, 1110 1397 and Senate Bills 26 and 347.

Rep. Nowe, Sen. D'Allesandro for the Committee

### REGULAR CALENDAR (CONT'D.)

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill transfers the responsibility for state emergency management from the Office of Emergency Management to the Department of Safety. The function will be located in the Division of Fire Safety, which will become the Division of Fire Safety and Emergency Management under the Director (the Fire Marshal). The events of September 11, 2001 clarified that changes to the existing emergency management operation are imperative in order to protect the NH citizens. Streamlining and coordinating our state's response to disasters and emergency situations is the best way to accomplish this end. The Department of Safety is the center of law enforcement and fire safety enforcement for the state. It therefore makes practical and operational sense for the emergency management function to be under that state agency. This bill retains the Governor's powers relative to the declaration of a state of emergency as well as the Governor's general emergency management authority. It also creates a newly constituted council on emergency preparedness and security made up of the heads of most state agencies as well as representatives of the police and fire chiefs and the counties. This council advises

the Governor but is required to report to the Speaker and the President on the state's preparedness and ability to respond to disasters. HB 1461 puts state government in a better position to more efficiently and effectively respond to emergency situations than it can under the current structure. Vote 15-0.

### Amendment (2890h)

Amend the title of the bill by replacing it with the following:

AN ACT transferring the office of emergency management to the department of safety, division of fire safety and emergency management.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Safety; Division of Fire Safety and Emergency Management. Amend the introductory paragraph of RSA 21-P:12 to read as follows:

21-P:12 Division of Fire Safety *and Emergency Management*. There is established within the department a division of fire safety *and emergency management* under the supervision of an unclassified director of fire safety *and emergency management* who shall be known as the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety, after consultation with the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. *If no successor has been appointed with the consent of the council within 6 months of the expiration of the term, the governor shall appoint a successor with the consent of the council.* The state fire marshal shall be academically and technically qualified to hold the position. [He] *The state fire marshal* shall be a citizen of this state or become a citizen of this state within one year of his *or her* appointment. He *or she* shall devote his *or her* entire time to the duties of the division of fire safety *and emergency management* and shall receive the salary specified in RSA 94:1-a for the state fire marshal. The state fire marshal shall be responsible for the following functions, in accordance with applicable law.

2 Department of Safety; Fire Standards and Training Commission. Amend the introductory paragraph of RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training, and the director of the division of fire safety *and emergency management*, who shall each serve during his *or her* continuance in such office, and one active member of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

3 New Hampshire Retirement System; Membership. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(c) who has 10 years' fire service experience, who is or becomes the director of the division of fire safety *and emergency management*, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of service in that capacity with the fire standards and training commission.

4 New Sections; Powers of the Governor and Council; Emergency Powers. Amend RSA 4 by inserting after section 44 the following new sections:

4:45 State of Emergency Powers. The provisions of this section shall be operative only during the existence of a state of emergency as defined in RSA 21-P:35, VIII. Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological, or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. During such period as such state of emergency exists or continues, the governor shall have and may exercise the following additional emergency powers:

I. To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.

II. To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.

III. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.

IV. Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under RSA 21-P:34 through RSA 21-P:48. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving such person an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.

V. To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

VI. To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

#### 4:46 Taking of Private Property; Compensation and Use.

I. Whenever a state of emergency is declared or invoked and the taking of real or personal property is required, the governor with the advice and consent of the executive council may, by warrant specifying the particular real property and the personal property by specification of the types, quantities, and general location, together with the names of the owners, when known, authorize the director of the division of fire safety and emergency management, by his or her agents, to:

(a) Take possession of any private real estate and the improvements on it for a limited period.

(b) Take title in the name of the state to any such improvement when the exigencies of the situation require its destruction.

(c) Take possession or title in the name of the state to:

(1) Any high explosives, except small arms ammunition.

(2) Any horses, vehicles, motor vehicles, aircraft, ships, boats, or any other means of conveyance, including the rolling stock of railroads or of motor bus transportation.

(3) Any cattle, poultry, provisions for man or beast, clothing, bedding, medicines and medical supplies in excess of the reasonable and immediate needs of the owner and the owner's household.

(4) Any fuel for heating or other necessary purposes.

(5) Any gasoline or other means of engine propulsion, or any communications equipment or systems.

II. Takings under this section shall be strictly limited to the necessities of the situation. The person proposing to take possession of any such property in the name of the state shall present to the owner or person in possession or control of the property a copy of the warrant under which the person purports to act certified by the director of the division of fire safety and emergency management. Upon taking possession or control of such property the person shall present a receipt specifically listing the property so taken and specifically referring to the warrant authorizing the taking.

III. Whenever possession of any real estate or title to any personal property is taken under this section, its owner or possessor, hereinafter referred to as the claimant, shall be entitled to damages on account of such taking. Upon the taking of any such property, the chief justice of the superior court is authorized to appoint a commission of 3 suitable persons to assess fair and just compensation in cases in which the amount cannot be determined by agreement. The chief justice shall fix the per diem compensation of the members of the commission and fill any vacancies which may



occur. The commission shall determine what sum shall justly compensate the claimant for the property so taken and may in the performance of its duties hire, and the state shall pay for the services of, such skilled and disinterested appraisers as the commission shall deem necessary to assist it in the performance of its duty.

IV. Any claimant aggrieved by the award made by the commission may appeal to the superior court from the decision within 60 days from the granting of the award. All final awards of judgments entered against the state in such proceedings and the fees and expenses of the commission shall be promptly paid by the state treasurer, on warrant of the governor and council, from any money in the general fund of the treasury not otherwise appropriated.

V. The property taken under this section shall be used in such manner as the governor, with the advice and consent of the executive council, shall deem in the best interests of the state, its inhabitants or the United States, which manner may include the sale at the prevailing market price or the gratuitous distribution of the articles enumerated in subparagraphs I(c)(3), (4) and (5). All moneys derived from the sale of any such property shall be paid over to the state treasurer and deposited in the general fund of the state.

VI. Any person who willfully takes possession of, or attempts to take possession of, property, purporting to act under this section but without authority to so act, whether by false pretense or otherwise, upon conviction, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person, and 1/2 of any fine imposed shall be paid to the owner of the property and 1/2 to the county.

4:47 Emergency Management Powers. The governor shall have emergency management authority as defined in RSA 21-P:35, V, and pursuant to such authority may exercise emergency management powers including:

I. The power to enter into mutual aid agreements with other states relative to emergency management issues.

II. The power to provide for emergency lines of succession to such appointive offices in the state government as the governor in his or her discretion deems to be necessary to insure reasonable continuity of state government in the event of a disaster.

III. The power to make, amend, suspend and rescind necessary orders, rules and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control.

IV. The power to cooperate with the President of the United States and the commanders of the United States armed forces, the Emergency Management Agency of the United States, and other appropriate federal officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction and control of:

(a) Drills, mobilization of emergency management forces, and other tests and exercises;

(b) Warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them; and

(c) The evacuation and reception of the civilian population.

5 New Paragraph; Department of Safety; Division of Fire Safety and Emergency Management; Oversight of Office of Emergency Management Added to Duties of State Fire Marshal. Amend RSA 21-P:12 by inserting after paragraph IV the following new paragraph:

V. Overseeing the operations of the office of emergency management in accordance with the provisions of RSA 21-P:34 through RSA 21-P:48.

6 Rulemaking Authority of the Commissioner of Safety; Reference Change. Amend RSA 21-P:14, II (z) to read as follows:

(z) The establishment of training criteria for hazardous materials incident responders and for the implementation of a statewide hazardous material command system. Such rules shall be in addition to rules adopted under RSA 21-P:14, II(a) and shall be adopted after consultation with the fire standards and training commission. No rule shall infringe on the authority of the governor or the office of emergency management under ~~[RSA 107-C]~~ **this chapter or RSA 4.**

7 New Subdivision; Department of Safety; Office of Emergency Management Established Within the Division of Fire Safety. Amend RSA 21-P by inserting after section 33 the following new subdivision:

Office of Emergency Management

21-P:34 Purpose. Because of the possibility of the occurrence of natural and man-made disasters resulting from fire, flood, hurricane, earthquake, prolonged power outages, disruption or contamination of the food or water supply, degradation of critical facilities and vital systems, disruption of

communication systems, or other natural, technological or man-made causes, and in order that the state of New Hampshire will be adequately prepared to cope with such disasters; and, generally, in order to preserve the lives and the property of the people of the state, a state office of emergency management is hereby created under the direction of the director of fire safety and emergency management. The emergency management powers provided in this subdivision are conferred upon the governor and upon other executive heads of governing bodies of the state; the creation of local organizations for emergency management in the political subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state and between this and other states and to cooperate with the federal government with respect to the carrying out of emergency management functions. It is further declared to be the purpose of this subdivision and the policy of the state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

21-P:35 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of safety.

II. "Coordinator" means the coordinator of emergency management.

III. "Council" means the advisory council on emergency preparedness and security.

IV. "Director" means the director of the division of fire safety and emergency management.

V. "Emergency management" means the preparation for and the carrying out of all emergency functions, including but not limited to emergency response and training functions, to prevent, minimize, and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, or riot.

VI. "Local organization for emergency management" means an organization created in accordance with the provisions of this subdivision by state, county, or local authority to perform local emergency management functions.

VII. "Political subdivision" means counties, cities, towns, and duly established village precincts.

VIII. "State of emergency" means that condition, situation, or set of circumstances deemed to be so extremely hazardous or dangerous to life or property that it is necessary and essential to invoke, require, or utilize extraordinary measures, actions, and procedures to lessen or mitigate possible harm.

21-P:36 Office of Emergency Management; Coordinator of Emergency Management. There is hereby created, within the division of fire safety and emergency management, an office of emergency management. The director, with the approval of the commissioner, shall appoint a coordinator of emergency management, who shall carry out such duties as are specifically enumerated in this subdivision and as may be assigned to the coordinator by the director. The coordinator of emergency management shall be academically and technically qualified to hold the position. The coordinator may employ such necessary technical, clerical, stenographic, and other personnel, and may make such necessary expenditures from state or federal funds as are or may be made available for purposes of emergency management. The coordinator and other personnel of the office of emergency management shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With the approval of the director, the coordinator shall coordinate the activities of all organizations for emergency management within the state, state and local, county, and private, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this subdivision as may be prescribed by the commissioner. If, as a result of a disaster declaration, the state of New Hampshire enters into an agreement with the federal government or another entity for assistance, either direct or indirect, financial or otherwise, such agreement shall be transmitted to the president of the senate and to the speaker of the house within 30 days after approval by the governor and coun-

cil. Any obligation of the general fund of the state of New Hampshire as a result of such an agreement shall be submitted jointly to the general court by the president of the senate and speaker of the house for prompt payment. Administrative costs of the state of New Hampshire incident to such obligation shall be included in the submission to the general court.

21-P:37 Emergency Management Powers Conferred. The director shall have general direction and control of the office of emergency management, and shall be responsible for the carrying out of the provisions of this subdivision. In the event of disaster beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within the state. In performing the director's duties under this subdivision and to effect its policy and purposes, the director is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency management of this state and of the nation, and is further authorized and empowered:

I. To prepare a comprehensive plan and program for the emergency management of this state, such plan and program to be integrated into and coordinated with the emergency management plans of the federal government and of other states to the greatest possible extent, and to coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state and private agencies, such plans to be integrated into and coordinated with the emergency management plan and program of this state to the greatest possible extent.

II. In accordance with such plan and program for the emergency management of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take other necessary preparatory steps to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

III. To make such studies and surveys of industries, transportation, communication, housing and medical facilities, and resources, including but not limited to food, petroleum, and housing, and other facilities in the state as may be necessary to ascertain the capabilities of the state for emergency management, and to plan for their most efficient emergency use.

IV. On behalf of the state and subject to the approval of the governor, to coordinate mutual aid plans between or among political subdivisions of the state.

V. To delegate to the coordinator any administrative authority vested in the director under this subdivision, and to authorize the subdelegation of any such authority.

21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. The office of emergency management shall ascertain what means exist for rapid and efficient communications during natural and man-made disasters. The division of emergency management shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the office of emergency management shall consult with the department of administrative services and evaluate the possibility of the multi-purpose use of such a system for general state and local government purposes. The office of emergency management shall make recommendations regarding such communications systems to the director as appropriate.

21-P:39 Local Organization for Emergency Management.

I. Each political subdivision of the state shall establish a local organization for emergency management in accordance with the state emergency management plan and program. Each local organization for emergency management shall have a local director who shall be appointed and removed by the county commissioners of a county, the city council of a city, or board of selectmen of a town, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such appointing officials. Each local organization shall have jurisdiction only within its respective political subdivision, and the director appointed by that political subdivision shall be responsible to his or her appointing authority. The appointing authority may appoint one of its own members or any other citizen or official to act as local director and shall notify the state director in writing of such appointment. If a local director is removed, the state director shall be notified immediately. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized.

II. Until a local director has been appointed, the chief elected official shall be directly responsible for the organization, administration, and operation of such local organization for emergency management.

III. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.

IV. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may meet at any place within or without the territorial limits of such political subdivision and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of such government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision, but shall be within this state.

21-P:40 Mutual Aid Arrangements. The local director of each local organization for emergency management may, with the approval of the commissioner and in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. Parties shall be entitled to the same immunities and exemptions as provided in RSA 21-P:41.

#### 21-P:41 Immunity and Exemption.

I. All functions under this subdivision and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the state nor any of its political subdivisions nor any agency of the state or political subdivision, nor any private corporations, organizations, or agencies, nor any emergency management worker complying with or reasonably attempting to comply with this subdivision, or any order or rule adopted or regulation promulgated pursuant to the provisions of this subdivision, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this subdivision, under the workers' compensation law, or under any retirement law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

II. Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency management worker who shall, in the course of performing his duties as such, practice such professional, mechanical, or other skill during an emergency.

III. As used in this section the term "emergency management worker" includes any full or part-time paid, volunteer, or auxiliary employee of this state, other states, territories, possessions, the District of Columbia, the federal government, any neighboring country, or of any political subdivision of such entities, or of any corporation, agency or organization, public or private, performing emergency management services at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any of its political subdivisions.

IV. Dentists licensed in this state, nurses registered in this state, student nurses undergoing training at a licensed hospital in this state, or emergency medical care providers licensed under RSA 153-A, during any emergency, shall be regarded as authorized emergency management workers and while so engaged may practice, in addition to the authority granted them by other statutes, administration of anesthetics; minor surgery; intravenous, subcutaneous, and intramuscular procedures; and oral and topical medication under the general but not necessarily direct supervision of a member of the medical staff of a legally incorporated and licensed hospital of this state, and to assist such staff members in other medical and surgical procedures.

V. Any emergency management worker, performing emergency management services at any place in this state pursuant to agreements, compacts or arrangements for mutual aid and assistance,

to which the state or one of its political subdivisions is a party, shall possess the same powers, duties, immunities, and privileges the worker would ordinarily possess if performing his or her duties in the state or political subdivision in which normally employed or rendering services.

VI. Any emergency management worker shall:

(a) If the worker is an employee of the state, have the powers, duties, rights, and privileges and receive the compensation incidental to his or her employment;

(b) If the worker is an employee of a political subdivision of the state, whether serving within or without such political subdivision, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to his or her employment; and

(c) If the worker is not an employee of the state or one of its political subdivisions, be entitled to the same rights as to compensation for injuries as are provided by law for the employees of this state. The emergency management personnel shall, while on duty, be subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving, and shall be reimbursed for all actual travel and subsistence expenses incurred under orders issued by the director.

21-P:42 Private Liability. Any person owning or controlling real estate or other premises or private property who grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises or private property for the purpose of compliance or attempting to comply with this subdivision during an actual or impending emergency or practice exercise, together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises or private property or loss of, or damage to, the property of such person.

21-P:43 Appropriations and Authority to Accept Services, Gifts, Grants, and Loans. Each political subdivision may make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for emergency management. Whenever the federal government or any federal agency or officer offers to the state, or through the state to any of its political subdivisions, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor, commissioner, or such political subdivision, acting with the consent of the governor and through its executive officer, city council, or board of selectmen, may accept such offer, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Whenever any person, firm or corporation offers to the state or to any of its political subdivisions services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor, or such political subdivision, acting through its executive officer, city council, or board of selectmen, may accept such offer, subject to its terms.

21-P:44 Utilization of Existing Services and Facilities. In carrying out the provisions of this subdivision, the governor, executive heads of state agencies, and local executive officers of the political subdivisions of the state shall utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and its political subdivisions to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency management organizations of the state upon request.

21-P:45 Enforcement. It shall be the duty of every organization for emergency management established under this subdivision and of the officers of such organization to execute and enforce such orders, rules, and regulations as may be made by the governor under authority of this subdivision or RSA 4:45.

21-P:46 New Hampshire Emergency Response and Recovery Fund. There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure Federal Emergency Management Agency relief assistance grants for costs incurred in disasters declared by the President of the United States. The fund shall be nonlapsing and continually appropriated to the department of safety.

21-P:47 Penalty. If any person violates or attempts to violate any order, rule, or regulation made pursuant to this subdivision, such person shall be guilty of a misdemeanor.

21-P:48 Advisory Council on Emergency Preparedness and Security.

I. There is hereby created an advisory council on emergency preparedness and security, consisting of the following members:

- (a) The state coordinator of emergency management.
- (b) The attorney general.
- (c) The chairman of the public utilities commission.
- (d) The adjutant general.
- (e) The commissioner of the department of health and human services.
- (f) The director of the division of fire safety and emergency management.
- (g) The commissioner of the department of safety.
- (h) The director of the governor's energy office.
- (i) The commissioner of the department of transportation.
- (j) The commissioner of the department of resources and economic development.
- (k) The commissioner of the department of agriculture, markets, and food.
- (l) The commissioner of the department of environmental services.
- (m) The commissioner of the department of administrative services.
- (n) The director of the Peace development authority, division of ports and harbors.
- (o) The director of police standards and training.
- (p) A police chief, appointed by the governor.
- (q) The director of the division of fire standards and training.
- (r) A fire chief, appointed by the governor.
- (s) One member of the fire standards and training commission, appointed by the chairman.
- (t) A county sheriff, appointed by the governor.

II. The council shall advise the governor on issues involving the state's ability to respond to natural and man-made disasters, and the preparation and maintenance of a state disaster plan in conformance with any federal regulation. The director of the division of fire safety and emergency management shall seek the advice of the council in any matter pertaining to the state's emergency management plan, including the allocation of federal and state resources to meet the objectives of such plan. The council shall routinely report to the governor, senate president, and speaker of the house on any recommendations of the council which pertain to the state's preparedness and ability to respond to natural and man-made disasters. The director of the division of fire safety and emergency management shall be the chairman of the council.

8 Transportation of High-Level Radio Active Waste; Coordination with Other Agencies; Reference Change. Amend RSA 107-D:9 to read as follows:

107-D:9 Coordination with Other Agencies. The department is expressly authorized to coordinate with or to contract with the office of emergency management established in RSA ~~[107-E]~~ **21-P:36** and with other state agencies or departments, including but not limited to the department of transportation and the department of health and human services, to perform any activities necessary to implement this chapter.

9 Oil Discharge or Spillage in Surface Waters or Groundwater; Governor's Powers; Reference Change. Amend RSA 146-A:12, IV to read as follows:

IV. The provisions of RSA ~~[107-E]~~ **4:45, RSA 4:46, and RSA 21-P:34 through RSA 21-P:48** as they shall apply to the taking of private property, compensation and use, mutual aid, immunity, aid in emergency, enforcement and compensation shall apply to disasters or catastrophes proclaimed by the governor under this chapter.

10 Aeronautics Act, Civil Air Patrol Program Funds; Reference Change. Amend RSA 422:14-c, I to read as follows:

I. The ~~[governor's]~~ office of emergency management, established in RSA ~~[107-E:3]~~ **21-P:36**, shall administer a grant program for the civil air patrol in New Hampshire.

11 New Hampshire Safe Drinking Water Act; Emergency Planning; Reference Change. Amend RSA 485:40 to read as follows:

485:40 Emergency Planning. The department shall develop plans, with the advice and assistance of the ~~[governor's]~~ office of emergency management, and of the public water systems of the state, for emergency conditions and situations that may endanger the public health or welfare by contamination of drinking water. Such plans may include potential sources of contaminants and situations or conditions that could place them in the sources of public drinking water, techniques and methods to be used by public water systems to reduce or eliminate the dangers to public health caused thereby, methods and times for analysis or testing during such emergency conditions or situations, alternate sources of water available to public water systems, and methods of supplying drinking water to consumers if a public water system cannot supply such water.

12 Wiretapping and Eavesdropping; Interception and Disclosure of Telecommunication or Oral Communications Prohibited; Reference Change. Amend RSA 570-A:2, II (h) to read as follows:

(h) Any municipal, county, or state fire or police department, the office of emergency management as created by RSA ~~[107-C:3]~~ **21-P:36**, the bureau of emergency communications as defined by RSA 106-H, or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a telecommunication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

13 Transition. The transfer of the office of emergency management to the department of safety, division of fire safety and emergency management shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds in any account or subdivision of an account of the emergency management agency established under RSA 107-C and authorized for use by the office of emergency management or the emergency management agency.

14 Repeal. RSA 107-C, the emergency management act, is repealed.

15 Effective Date. This act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill transfers the office of emergency management to the department of safety, division of fire safety and emergency management and establishes an advisory council on emergency preparedness and security, formerly the emergency management advisory council.

Adopted.

Reps. Dyer and Weyler spoke against and yielded to questions.

Reps. O'Neil and Clegg spoke in favor.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 238 NAYS 112

#### YEAS 238

#### BELKNAP

Bartlett, Gordon  
Wendelboe, Fran

Millham, Alida  
Wood, Jane

Russell, David

Thomas, John

#### CARROLL

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Sullivan, P Judith

Kenney, Joseph  
Torressen, Gary

Lyman, L Randy

#### CHESHIRE

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Roberts, William

Batchelder, Robert  
Fairbanks, Chandler  
McGuirk, Paul  
Weed, Charles

Burnham, Daniel  
Hunt, John  
Mitchell, McKim

Dexter, Judson  
Liebl, George  
Richardson, Barbara

#### COOS

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
Rozek, Michael

Horton, Lynn  
Stohl, Eric

Landers, Dana  
Tholl, John Jr

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Nordgren, Sharon  
Teschner, Douglass

Almy, Susan  
Eaton, Stephanie  
Pawlek, Marion

Benn, Bernard  
Gabler, William  
Scanlan, David

Cooney, Mary  
Gilman, G Michael  
Sova, Charles

#### HILLSBOROUGH

Alukonis, David  
Batula, Peter  
Bragdon, Peter

Andosca, Mary  
Bellavance, Paul  
Brundige, Robert

Artz, Lawrence  
Bergin, Peter  
Bruno, Pierre

Baroody, Benjamin  
Bouchard, David  
Buckley, Raymond

Calawa, Leon Jr  
 Clegg, Robert Jr  
 Coughlin, Pamela  
 Dionne, Kimberley  
 Emerton, Lawrence Sr  
 Furman, Christine  
 Goley, Jeffrey  
 Greenberg, Gary  
 Holden, Randolph  
 Konys, Christine  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Panagopoulos, Nicholas  
 Reeves, Sandra  
 Sweeney, Cynthia

Carlson, Donald  
 Clemons, Jane  
 Craig, James  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Gargas, Carolyn  
 Gorman, Mary  
 Guinta, Frank  
 Jean, Claudette  
 Kurk, Neal  
 Lefebvre, Roland  
 McHugh, Claire  
 Movsesian, Lori  
 Pappas, Marc  
 Rowe, Robert  
 Tate, Joan

Christensen, D L Chris  
 Cote, David  
 Desrosiers, William  
 Drisko, Richard  
 Ford, Nancy  
 Ginsburg, Ruth  
 Goulet, Maurice  
 Hall, Charles  
 Kacavas, John  
 L'Heureux, Robert  
 Lessard, Rudy  
 Melcher, Harold  
 Murphy, Robert  
 Pepino, Leo  
 Seibel, Christopher  
 Thulander, O Alan

Clayton, William  
 Cote, Peter  
 Dionne, David  
 Dwyer, Paul  
 Foster, Linda  
 Golding, William  
 Graham, John  
 Herman, Keith  
 Keye, Harvey  
 LaRose, Richard  
 Martel, Andre  
 Mercer, Robert  
 Palangas, Eric  
 Peterson, Andrew  
 Spiess, Paul  
 Wheeler, Robert

### MERRIMACK

Bouchard, Candace  
 Crosby, Toni  
 Feuerstein, Martin  
 Hess, David  
 Langer, Ray  
 Moore, Carol  
 Rush, Deanna  
 Whalley, Michael

Brewster, Richard  
 Cummings, Raymond  
 Fraser, Leo Jr  
 Hutchinson, John  
 Leber, William  
 Potter, Frances  
 Seldin, Gloria  
 Winter, Steven

Burney, Carol  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Reardon, Tara  
 Swindlehurst, John  
 Yeaton, Charles

Clarke, Claire  
 Davis, Frank  
 Greco, Vincent  
 L'Heureux, Stephen  
 MacKay, James  
 Rodd, Beth  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Boynton, James  
 Chalbeck, Kevin  
 Dalrymple, Janeen  
 Dumaine, Dudley  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 McGuire, Robert  
 Norelli, Terie  
 Packard, Sherman  
 Priestley, Anne  
 Sloan, Stephen  
 Varrell, Thomas

Belanger, Ronald  
 Bridle, Russell  
 Clark, Martha Fuller  
 Dearborn, Bruce  
 Flanders, John Sr  
 Hamel, Albert  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Ronald  
 Pantelakos, Laura  
 Robertson, Carl  
 Splaine, James  
 Weatherspoon, Jacquelyne

Bishop, Franklin  
 Carson, Sharon  
 Cooney, Richard  
 DiFruscia, Anthony  
 Giordano, Ronald  
 Holland, James Jr  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Micklon, Stephanie  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Stone, Joseph  
 Welch, David

Bowles, Raimond  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Gleason, John  
 Hutchinson, Karen  
 Kelley, Jane  
 Major, Norman  
 Morse, Charles  
 O'Neil, Michael  
 Power, Lucille  
 Sapareto, Frank  
 Stritch, C Donald  
 Whittier, John

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Hughes, Christopher  
 Lent, Donald  
 Spang, Judith

Brennan, William  
 Estabrook, Iris  
 Johnson, Nancy  
 Proulx, Raymond  
 Taylor, Kathleen

Brown, Julie  
 Gilmore, Gary  
 Kaen, Naida  
 Reid, Christopher  
 Wall, Janet

Cossette, Larry  
 Goodwin, Earle  
 Knowles, William  
 Rollo, Michael

### SULLIVAN

Allison, David  
 Franklin, Peter

Burling, Peter  
 Jones, Constance

Cloutier, John  
 Odell, Bob

Ferland, Brenda  
 Robb, Amy

### NAYS 112

### BELKNAP

Czech, Stanley  
 Pilliod, James

Holbrook, Robert  
 Rice, Thomas Jr

Johnson, William  
 Rosen, Ralph

Nedeau, Stephen



**CARROLL**

Babson, David Jr	Mock, Henry	Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Emerson, Susan	Espiefs, Peter	Meador, David
Pratt, Irene	Pratt, John	Smith, Edwin	Zerba, Roger

**COOS**

Gallus, John	Guay, Lawrence
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**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Mirski, Paul
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Allan, Nelson	Balboni, Michael	Bergeron, Jean-Guy	Chabot, Robert
Christiansen, Lars	Daigle, Robert	Dokmo, Cynthia	Dyer, Merton
Eaton, Richard	Elliott, Larry	Gleneck, David	Gonzalez, Carlos
Hall, Betty	Hopper, Gary	Jean, Loren	Johnson, Lionel
LaFlamme, Paul	Leishman, Peter	Martin, Mary Ellen	McRae, Karen
Messier, Irene	Moran, Edward	O'Connell, Timothy	Salts, Greg
Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen	Sullivan, Peter
Tahir, Saghir	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Colcord, J D	Gile, Mary	Hager, Elizabeth
Kennedy, Richard	Maxfield, Roy		

**ROCKINGHAM**

Blanchard, MaryAnn	Camm, Kevin	Clark, Vivian	Coes, Betsy
Corbin, Corey	Fesh, Bob	Gilbert, Karl	Henderson, Warren
Introne, Robert	Itse, Daniel	Kane, Cecelia	Langone, John
Palermo, Diane	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Saia, Pamela	Shultis, Elizabeth	Trueman, Raymond
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	Bickford, David	Dunlap, Patricia	Grassie, Anne
Harrington, Michael	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Smith, Marjorie	Snyder, Clair	Woods, Phyllis	

**SULLIVAN**

Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Leone, Richard
Phinizy, James	Rodeschin, Beverly		

and the report was adopted.

Ordered to third reading.

Reps. Francoeur and Musler declared conflicts of interest and did not participate.

**CACR 30**, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that authority to local school districts; and it shall have the authority to determine the proportion of taxes

necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Wheeler for the Majority of Finance: This CACR returns to the people, through their elected representatives, the power to determine the content, extent, beneficiaries, and funding of public elementary and secondary education. It allows the legislature to delegate that authority to local school districts, and it allows the legislature to determine the proportion of taxes necessary to fund public education that will be provided by the state and by its municipalities. The CACR also restores the rational basis test as the standard by which the courts judge the constitutionality of education legislation. This CACR does not change the duty of the state to provide and pay for an adequate public elementary and secondary education. Rather, it enhances the legislature's ability to craft the best possible education and education funding policies for our state. The Committee believes that it is the legislature that is best designed to perform this function. The CACR preserves our traditional separation of powers doctrine; it doesn't limit or remove the power of the court to review legislation. Rather, it clarifies that the court does have that power and establishes the extent of that authority. As a result, the people of this state will continue to have constitutional protection against unequal treatment in the access to or quality of public elementary and secondary education. Vote 10-9.

Rep. Elizabeth S. Hager for the Minority of Finance: The purpose of this amendment is to limit the power of the courts to review legislation concerning education. It does this by inserting into the constitution limitations that would require the courts to use the lowest possible standard of judicial scrutiny. This significant constitutional change in the power of the judiciary has been proposed, not by the Judiciary Committee, but by the Finance Committee. This amendment closely resembles CACR 7, except that it also provides for delegation of the legislature's powers and responsibility to fund education to local school districts, cities and towns. If CACR 30 makes it through the process by which the citizens of New Hampshire amend the constitution, it would mean that, as a practical matter, the people of New Hampshire would no longer be able to look to the New Hampshire Constitution as a protection against unequal treatment in the access to or quality of education, as well as the manner in which it is funded. Passage would also mean injury, if not death, to the principles of judicial review that have governed this nation and this state for two hundred years. The concept of the separation of powers of each of the three branches is central to our government. So too, however, is the right, indeed the obligation, or the judicial branch to review and resolve questions concerning the actions of the legislative and executive branches. This concept reflects the core values of our founding fathers. The federal case establishing these principles is *Marbury v. Madison*. In New Hampshire, Levi Woodbury, one of the state's most distinguished jurists, articulated the same principles in *Merrill v. Sherburne* in 1818. Justice Woodbury quotes Mr. Madison and Mr. Jefferson when he states, "...in the distinct and separate existence of the judicial power consists one main preservative of the public liberty; that indeed 'there is no liberty, if the power of judging be not' separated from the legislative and executive powers." Woodbury states, "One prominent reason for creating the judicial, distinct from the legislative department, was that the former might determine when laws were thus 'repugnant,' and so operate a check upon the latter." A review of every state constitution has uncovered very few references to judicial review. In two states – Georgia and North Dakota – there are express provisions granting courts the power of judicial review. Michigan's constitution makes reference to limiting judicial involvement in the recall process for elected officers. California limits the power of the courts in certain criminal matters – something that we in New Hampshire have accomplished through statute, without tampering with our constitution. Should we be tampering with our constitution because some of us didn't like a particular decision made by a particular court, confronting a particular set of circumstances? No state, nor the United States, has put into its constitution a standard, named but not defined, of judicial scrutiny. No state, nor the United States, has effectively removed the power of the judiciary to review acts of the legislature that directly affect the lives – and the fortunes – of every citizen. New Hampshire should not be the first.

Reps. Jacobson and Marjorie Smith spoke against.

Rep. Peterson spoke against and yielded to questions.

Reps. Kurk and Herman spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 169 NAYS 179****YEAS 169****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Quimby, Lee	Sullivan, P Judith	Torressen, Gary	

**CHESHIRE**

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Liebl, George	Roberts, William	Smith, Edwin	

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sova, Charles	Teschner, Douglass
Ward, Brian			

**HILLSBOROUGH**

Allan, Nelson	Artz, Lawrence	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Calawa, Leon Jr
Chabot, Robert	Christensen, D L Chris	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Emerton, Lawrence Sr	Furman, Christine	Gleneck, David
Golding, William	Gonzalez, Carlos	Graham, John	Greenberg, Gary
Guinta, Frank	Herman, Keith	Holden, Randolph	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Pappas, Marc	Reeves, Sandra	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Colcord, J D	Hess, David	Hutchinson, John
Kennedy, Richard	Langer, Ray	Leber, William	MacKay, James
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Boynnton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Priestley, Anne	Putnam, Ed II

Quandt, Marshall  
Stone, Joseph  
Welch, David

Quandt, Matthew  
Stitch, C Donald  
Weyler, Kenneth

Ruffner, Walter  
Trueman, Raymond

Saia, Pamela  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 179

### BELKNAP

Johnson, William

Pilliod, James

Wood, Jane

### CARROLL

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Dexter, Judson  
Meader, David  
Richardson, Barbara

Avery, Stephen  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Pratt, John

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

### GRAFTON

Akins, Ralph  
Giuda, Robert  
Pawlek, Marion  
Williams, Burton

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Mirski, Paul  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

### HILLSBOROUGH

Andosca, Mary  
Bergin, Peter  
Christiansen, Lars  
Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Ford, Nancy  
Goley, Jeffrey  
Hopper, Gary  
Keye, Harvey  
Melcher, Harold  
Palangas, Eric  
Rowe, Robert  
Sullivan, Peter

Balboni, Michael  
Bruno, Pierre  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Messier, Irene  
Panagopoulos, Nicholas  
Seibel, Christopher  
Sweeney, Cynthia

Baroody, Benjamin  
Buckley, Raymond  
Clemmons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Eaton, Richard  
Gargasch, Carolyn  
Hall, Betty  
Johnson, Lionel  
Leach, Edward  
Movsesian, Lori  
Pepino, Leo  
Shaw, Barbara  
White, John

Bellavance, Paul  
Carlson, Donald  
Cote, David  
Dionne, David  
Drisko, Richard  
Elliott, Larry  
Ginsburg, Ruth  
Hall, Charles  
Kacavas, John  
McDonough-Wallace, Alice  
Murphy, Robert  
Peterson, Andrew  
Spiess, Paul  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Rodd, Beth  
Yeaton, Charles

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Moore, Carol  
Rush, Deanna

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Clarke, Claire  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Holland, James Jr	Johnson, Robert
Kane, Cecelia	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Power, Lucille	Rausch, James	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Weatherspoon, Jacquelyne
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinzy, James	Robb, Amy		

and the majority report failed.

Rep. Hager moved Inexpedient to Legislate.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being adoption of the motion of Inexpedient to Legislate.

**YEAS 186 NAYS 164**

**YEAS 186****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Philbrick, Donald

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana			

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Balboni, Michael	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Carlson, Donald	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, David	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul

Dyer, Merton  
 Foster, Linda  
 Gorman, Mary  
 Jean, Claudette  
 Konys, Christine  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Peterson, Andrew  
 Spiess, Paul  
 Williams, Carol

Eaton, Richard  
 Gargas, Carolyn  
 Hall, Betty  
 Johnson, Lionel  
 LaRose, Richard  
 Melcher, Harold  
 Palangas, Eric  
 Rowe, Robert  
 Sullivan, Peter

Elliott, Larry  
 Ginsburg, Ruth  
 Hall, Charles  
 Kacavas, John  
 Leach, Edward  
 Messier, Irene  
 Panagopoulos, Nicholas  
 Seibel, Christopher  
 Sweeney, Cynthia

Ford, Nancy  
 Goley, Jeffrey  
 Hopper, Gary  
 Keye, Harvey  
 Leishman, Peter  
 Movsesian, Lori  
 Pepino, Leo  
 Shaw, Barbara  
 White, John

### MERRIMACK

Bouchard, Candace  
 Colcord, J D  
 Davis, Frank  
 Gile, Mary  
 Lockwood, Priscilla  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Crosby, Toni  
 Feuerstein, Martin  
 Greco, Vincent  
 Maxfield, Roy  
 Rodd, Beth  
 Yeaton, Charles

Burney, Carol  
 Cummings, Raymond  
 Fraser, Leo Jr  
 Hager, Elizabeth  
 Moore, Carol  
 Rush, Deanna

Clarke, Claire  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Potter, Frances  
 Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
 Coes, Betsy  
 Downing, Michael  
 Johnson, Robert  
 McGuire, Robert  
 Pantelakos, Laura  
 Robertson, Carl  
 Splaine, James  
 Zolla, William

Bowles, Raimond  
 Cooney, Richard  
 Gilbert, Karl  
 Kane, Cecelia  
 Micklon, Stephanie  
 Pitts, Jacqueline  
 Sapareto, Frank  
 Trueman, Raymond

Case, Margaret  
 Dearborn, Bruce  
 Holland, James Jr  
 Kobel, Rudolph  
 Norelli, Terie  
 Power, Lucille  
 Shultis, Elizabeth  
 Weatherspoon, Jacquelyne

Clark, Martha Fuller  
 DiFruscia, Anthony  
 Itse, Daniel  
 Langone, John  
 O'Keefe, Patricia  
 Rausch, James  
 Sloan, Stephen  
 Whittier, John

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Harrington, Michael  
 Knowles, William  
 Pelletier, Marsha  
 Snyder, Clair

Brennan, William  
 Estabrook, Iris  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Spang, Judith

Brown, Julie  
 Goodwin, Earle  
 Johnson, Nancy  
 McCarthy, Gerald  
 Rollo, Michael  
 Taylor, Kathleen

DeChane, Marlene  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Phinzy, James

Burling, Peter  
 Franklin, Peter  
 Robb, Amy

Cloutier, John  
 Harris, Joseph

Ferland, Brenda  
 Harris, Sandra

### NAYS 164

### BELKNAP

Bartlett, Gordon  
 Lawton, David  
 Russell, David

Boyce, Laurie  
 Nedeau, Stephen  
 Thomas, John

Czech, Stanley  
 Rice, Thomas Jr  
 Wendelboe, Fran

Holbrook, Robert  
 Rosen, Ralph

### CARROLL

Babson, David Jr  
 Lyman, L Randy  
 Sullivan, P Judith

Bradley, Jeb  
 Mock, Henry  
 Torressen, Gary

Dickinson, Howard  
 Patten, Betsey

Kenney, Joseph  
 Quimby, Lee

### CHESHIRE

Edwards, Dana  
 Liebl, George

Emerson, Susan  
 Roberts, William

Fairbanks, Chandler  
 Smith, Edwin

Hunt, John

### COOS

Gallus, John  
 Tholl, John Jr

Pratt, Leighton

Rozek, Michael

Stohl, Eric

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Emerton, Lawrence Sr
Furman, Christine	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Herman, Keith	Holden, Randolph	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lefebvre, Roland	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Reeves, Sandra	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Hess, David	Hutchinson, John	Kennedy, Richard
Langer, Ray	Leber, William	MacKay, James	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Ruffner, Walter	Saia, Pamela	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Reid, Christopher
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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and the motion of Inexpedient to Legislate was adopted.

**HB 672**, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert L. Wheeler for the Majority of Finance: The sponsor of this bill informed the Committee that there was no fiscal impact on either the state or counties, or local municipalities. In reality, it was found that the cost impact on the general fund would be at least \$105,000, and the estimated revenue impact on the general fund would be about \$15,000. The additional county, local and long-range effects of this bill would increase health insurance plan costs, absent any other changes municipalities may pursue, by between 0.15% and 0.40%. The Committee believes this is

not the time to increase financial burdens on the state, counties, cities and towns, or indeed, on employers and employees – our constituents – who will have to pay higher health insurance premiums if this bill becomes law. Vote 13-8.

Rep. Elizabeth S. Hager for the Minority of Finance: This bill adds 3 mental health diagnoses for two serious eating disorders and chronic post-traumatic stress disorder to the statutory list of biologically based mental health diagnoses covered the same as any physical illness. It was studied for 18 months by the Commerce Committee and voted as ought to pass unanimously at 17-0.

The bill's most important feature is that insurance companies would also have to cover some treatment for substance abuse, which is not at present covered by many companies. The companies themselves would have the freedom to design this benefit.

This bill also allows drug and alcohol counselors, the group of mental health clinicians most expert in the treatment of substance abuse, to be covered by health insurers. This would allow consumers to get treatment from those who are most knowledgeable about this disease.

An independent actuarial study, conducted by a nationally recognized expert on the fiscal impact of mental health legislation, concluded that this very limited version of the original bill would end up costing pennies per month per subscriber. The New Hampshire Insurance Department, with very little time to study this, estimated it would cost \$90,000 in total state costs to serve over one million subscribers. Since Anthem Blue Cross/Blue Shield already provides these services for substance abuse, the cost impact would be even less.

Most importantly, treatment for substance disorders results in increased productivity, reduced absenteeism and errors, lower worker's compensation costs, less domestic and other violence, less corrections costs, and less money spent on physical illnesses associated frequently with alcohol abuse. One dollar spent on treatment is estimated to result in four to seven dollars of cost savings. Reps. McRae and Mirski spoke in favor.

Rep. Kurk spoke against.

Rep. McRae requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 115 NAYS 226**

**YEAS 115  
BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Rosen, Ralph	Wendelboe, Fran	

**CARROLL**

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Roberts, William			

**COOS**

Davis, Perley	Gallus, John	Rozek, Michael	Tholl, John Jr
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**GRAFTON**

Barker, Robert	Cobb, John	Dudley, Terri	Eaton, Stephanie
Giuda, Robert	Mirski, Paul	Sova, Charles	

**HILLSBOROUGH**

Artz, Lawrence	Balboni, Michael	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Dyer, Merton
Eaton, Richard	Gleneck, David	Goulet, Maurice	Hall, Charles
Herman, Keith	Holden, Randolph	Jean, Loren	Johnson, Lionel



Lessard, Rudy  
Milligan, Robert  
Souza, Kathleen  
White, Donald

McHugh, Claire  
Pappas, Marc  
Tahir, Saghir

McRae, Karen  
Rowe, Robert  
Tate, Joan

Mercer, Robert  
Salts, Greg  
Thulander, O Alan

### MERRIMACK

Cummings, Raymond  
Langer, Ray  
Swindlehurst, John

Hess, David  
Lockwood, Priscilla  
Whalley, Michael

Hutchinson, John  
Maxfield, Roy  
Winter, Steven

Kennedy, Richard  
Seldin, Gloria

### ROCKINGHAM

Belanger, Ronald  
Chalbeck, Kevin  
Dumaine, Dudley  
Hamel, Albert  
Letourneau, Robert  
Packard, Sherman  
Ruffner, Walter  
Zolla, William

Bridle, Russell  
Clark, Vivian  
Fesh, Bob  
Henderson, Warren  
Major, Norman  
Palermo, Diane  
Saia, Pamela

Camm, Kevin  
Corbin, Corey  
Gilbert, Karl  
Holland, James Jr  
McKinney, Betsy  
Priestley, Anne  
Sapareto, Frank

Carson, Sharon  
Dearborn, Bruce  
Giordano, Ronald  
Itse, Daniel  
Micklon, Stephanie  
Rausch, James  
Weyler, Kenneth

### STRAFFORD

Albert, Russell

Cossette, Larry

Harrington, Michael

Woods, Phyllis

### SULLIVAN

Harris, Joseph

Odell, Bob

Rodeschin, Beverly

### NAYS 226

### BELKNAP

Dewhirst, Glenn  
Pilliod, James  
Wood, Jane

Johnson, William  
Rice, Thomas Jr

Millham, Alida  
Russell, David

Nedeau, Stephen  
Thomas, John

### CARROLL

Bradley, Jeb

Kenney, Joseph

Quimby, Lee

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Avery, Stephen  
Hunt, John  
Meador, David  
Richardson, Barbara

Batchelder, Robert  
Liebl, George  
Mitchell, McKim  
Smith, Edwin

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula  
Pratt, Leighton

Guay, Lawrence  
Stohl, Eric

Horton, Lynn

Landers, Dana

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Marshall, Gene  
Scovner, Nancy  
Ward, Brien

Alger, John  
Gabler, William  
Nordgren, Sharon  
Sokol, Hilda  
Williams, Burton

Almy, Susan  
Ham, Bonnie  
Pawlek, Marion  
Solow, Martha

Benn, Bernard  
Lovett, Sid  
Scanlan, David  
Teschner, Douglass

### HILLSBOROUGH

Allan, Nelson  
Bergin, Peter  
Clemons, Jane

Andosca, Mary  
Brundige, Robert  
Cote, David

Batula, Peter  
Buckley, Raymond  
Craig, James

Bellavance, Paul  
Chabot, Robert  
Daigle, Robert

Dokmo, Cynthia  
 Elliott, Larry  
 Furman, Christine  
 Gonzalez, Carlos  
 Guinta, Frank  
 Kacavas, John  
 L'Heureux, Robert  
 Leishman, Peter  
 Moran, Edward  
 Panagopoulos, Nicholas  
 Sargent, Maxwell  
 Sullivan, Peter  
 White, John

Drabinowicz, A Theresa  
 Emerton, Lawrence Sr  
 Gargas, Carolyn  
 Gorman, Mary  
 Hall, Betty  
 Keye, Harvey  
 LaFlamme, Paul  
 Martel, Andre  
 Movsesian, Lori  
 Pepino, Leo  
 Seibel, Christopher  
 Sweeney, Cynthia  
 Williams, Carol

Drisko, Richard  
 Ford, Nancy  
 Ginsburg, Ruth  
 Graham, John  
 Hopper, Gary  
 Konys, Christine  
 LaRose, Richard  
 Melcher, Harold  
 Murphy, Robert  
 Peterson, Andrew  
 Shaw, Barbara  
 Vaillancourt, Steve

Dwyer, Paul  
 Foster, Linda  
 Golding, William  
 Greenberg, Gary  
 Jean, Claudette  
 Kurk, Neal  
 Leach, Edward  
 Messier, Irene  
 O'Connell, Timothy  
 Reeves, Sandra  
 Spiess, Paul  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Clarke, Claire  
 Davis, Frank  
 Gile, Mary  
 Leber, William  
 Reardon, Tara  
 Yeaton, Charles

Bouchard, Candace  
 Colcord, J D  
 Feuerstein, Martin  
 Greco, Vincent  
 MacKay, James  
 Rodd, Beth

Brewster, Richard  
 Crosby, Toni  
 Fraser, Leo Jr  
 Hager, Elizabeth  
 Moore, Carol  
 Rush, Deanna

Burney, Carol  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Potter, Frances  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Boynton, James  
 Cooney, Richard  
 Dowling, Patricia  
 Gleason, John  
 Kane, Cecelia  
 Kobel, Rudolph  
 Morse, Charles  
 O'Neil, Michael  
 Putnam, Ed II  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Bishop, Franklin  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 Norelli, Terie  
 Pantelakos, Laura  
 Quandt, Marshall  
 Sloan, Stephen  
 Trueman, Raymond  
 Whittier, John

Blanchard, MaryAnn  
 Clark, Martha Fuller  
 Dalrymple, Janeen  
 Flanders, John Sr  
 Introne, Robert  
 Katsakiores, Phyllis  
 Langone, John  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Splaine, James  
 Varrell, Thomas

Bowles, Raimond  
 Coes, Betsy  
 DiFruscia, Anthony  
 Francoeur, Sheila  
 Johnson, Robert  
 Kelley, Jane  
 McGuire, Robert  
 O'Keefe, Patricia  
 Power, Lucille  
 Robertson, Carl  
 Stone, Joseph  
 Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Goodwin, Earle  
 Knowles, William  
 Pelletier, Marsha  
 Smith, Marjorie  
 Wall, Janet

Bickford, David  
 Dunlap, Patricia  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Snyder, Clair

Brennan, William  
 Estabrook, Iris  
 Johnson, Nancy  
 McCarthy, Gerald  
 Reid, Christopher  
 Spang, Judith

Brown, Julie  
 Gilmore, Gary  
 Kaen, Naida  
 Pelletier, Arthur  
 Rollo, Michael  
 Taylor, Kathleen

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Leone, Richard

Burling, Peter  
 Franklin, Peter  
 Phinzy, James

Cloutier, John  
 Harris, Sandra  
 Robb, Amy

Ferland, Brenda  
 Jones, Constance

and the majority report failed.

Rep. Hunt moved Ought to Pass with Amendment and offered floor amendment (2900h).

### Floor Amendment (2900h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Applicability. The benefits established in this act shall only apply to public employees as either a negotiated item in their collective bargaining agreements or as an inclusion in personnel plans. Rep. Hunt spoke in favor and yielded to questions.

On a division vote, 259 members having voted in the affirmative and 85 in the negative, floor amendment (2900h) was adopted.

Motion of Ought to Pass with Amendment was adopted.

Ordered to third reading.

Rep. Gilman declared a conflict of interest and did not participate.

**HB 1259-FN-L**, relative to the base cost for calculating adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: This bill adopts the Northeast Regional Consumer Price Index for adjusting the base cost for calculating education grants. The amendment spells out that the figure is only used once in the biennium, thus the annual rate must be doubled to make the proper adjustment. The rate is also an average of four years to promote stability by eliminating large fluctuations. The CPI is a reflection of the costs that drive up wages, the major cost of school spending. The committee is hopeful that, by using this standard, education grants will more accurately reflect the true cost of providing an adequate education. Both state and local budgeting should benefit by having more predictable funding levels. Vote 12-6.

Rep. Linda T. Foster for the Minority of Finance: The majority argues that capping the Adequate Education Grants will keep them from spiraling out of control. The minority does not believe that the CPI reflects the true costs associated with education. Moreover, the minority knows that the result of this bill will simply raise costs for the local property tax payers.

#### **Amendment (2469h)**

Amend RSA 198:40, I(b)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) The department shall calculate an alternative base cost per pupil by adding to the base cost per pupil of the immediately preceding biennium a percentage increase for inflation. The percentage shall be twice the average annual rate of inflation for the 4 calendar years immediately preceding the calendar year in which the new base cost is determined. Inflation shall be measured by the most recent available northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor.

Adopted.

On a division vote, 205 members having voted in the affirmative and 129 members in the negative, the majority report was adopted.

Ordered to third reading.

**HB 1242**, relative to the required vote for approving school district bond articles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: The original bill would have changed a vote for school district bond articles in traditional town meeting form of government, from 2/3% to 3/4% of the voters present and voting at an annual or special meeting called for that purpose. The committee rejected that proposal unanimously. Subsequently, several amendments were reviewed and rejected each changing the percentage required from 2/3 to something else. Traditionally, all bond articles have required a 2/3% vote. In 1999 the General Court voted to lower the percentage needed to pass bond articles in SB 2 towns from 2/3 to 3/5. The majority of the committee voted for the amendment to reestablish the historic requirement of 2/3% vote for all bond issues, whether for a school district or municipality in all forms of governance, so that the bond articles which have a life of 10, 15, or 20 years has significant support from the taxpayers in SB 2 communities. Passage of this bill would negate the need for the current court case and free the affected SB 2 communities to reconsider all bond articles which are currently blocked by the court action. Vote 12-5.

Rep. William G. Johnson for the Minority of Municipal and County Government: Recognizing substantial differences in the voting methods between the ballot law towns (SB 2) towns and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pass bond articles in SB 2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to date have supported the constitutionality of this legislation. HB 1242 would eliminate that differential by requiring a 2/3 vote in SB towns. The minority of the committee agrees with the over-

whelming testimony heard before the committee in opposition to HB 1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority, creating minority rule. The easier voting process under SB 2 warrants a lower voting threshold. In comparison, the state legislature adopts bonds by only a majority vote. Furthermore, this would establish a state mandate where it is not needed. If SB 2 towns or school districts want to adopt a 2/3 % requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB 1242 be voted "Inexpedient to Legislate".

### Majority Amendment (2323h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the required vote for board articles.

Amend the bill by replacing section 1 with the following:

1 Required Vote. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation [~~except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and [except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13] or school district~~] shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. [~~The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5.~~] No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

### AMENDED ANALYSIS

This bill lowers the required vote for bond articles to 2/3.

Rep. Patten spoke against.

Majority amendment failed.

Rep. Patten offered floor amendment (2882h).

### Floor Amendment (2882h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the required vote for board articles.

Amend the bill by replacing all after the enacting clause with the following:

1 Required Vote. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, [~~and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13] or school district shall~~

be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. ~~[The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5].~~ No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill lowers the required vote for bond articles to 2/3.

Rep. Patten spoke in favor.

Floor amendment (2882h) adopted.

Reps. Spiess, Dumaine spoke against.

Reps. Patten and Brundige spoke in favor.

Rep. William Johnson and Peterson spoke against and yielded to questions.

Rep. Brundige requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

#### YEAS 144 NAYS 199

##### YEAS 144

##### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Lawton, David
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

##### CARROLL

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Sullivan, P Judith		

##### CHESHIRE

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Liebl, George	Roberts, William	Smith, Edwin	

##### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr		

##### GRAFTON

Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Marshall, Gene	Mirski, Paul
Sova, Charles	Teschner, Douglass	Williams, Burton	

##### HILLSBOROUGH

Artz, Lawrence	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre

Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Gleneck, David  
Greenberg, Gary  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
White, Donald

Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Golding, William  
Hall, Charles  
Kurk, Neal  
Lessard, Rudy  
Milligan, Robert  
Reeves, Sandra  
Tate, Joan

Chabot, Robert  
Cote, Peter  
Elliott, Larry  
Gonzalez, Carlos  
Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Moran, Edward  
Salts, Greg  
Thulander, O Alan

Christensen, D L Chris  
Desrosiers, William  
Furman, Christine  
Goulet, Maurice  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
O'Connell, Timothy  
Sargent, Maxwell  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Langer, Ray  
Seldin, Gloria

Cummings, Raymond  
Leber, William  
Swindlehurst, John

Hess, David  
Lockwood, Priscilla  
Whalley, Michael

Kennedy, Richard  
Maxfield, Roy  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Chalbeck, Kevin  
Dumaine, Dudley  
Griffin, Mary  
Introne, Robert  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Stritch, C Donald

Bishop, Franklin  
Clark, Vivian  
Fesh, Bob  
Hamel, Albert  
Kelley, Jane  
Micklon, Stephanie  
Palermo, Diane  
Quandt, Matthew  
Trueman, Raymond

Camm, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Holland, James Jr  
Kobel, Rudolph  
Morse, Charles  
Priestley, Anne  
Ruffner, Walter  
Welch, David

Carson, Sharon  
Dowling, Patricia  
Gleason, John  
Hutchinson, Karen  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
McCarthy, Gerald

Bickford, David  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

### SULLIVAN

Rodeschin, Beverly

### NAYS 199

### BELKNAP

Czech, Stanley  
Pilliod, James

Dewhirst, Glenn  
Wood, Jane

Johnson, William

Millham, Alida

### CARROLL

Bradley, Jeb  
Torressen, Gary

Kenney, Joseph

Philbrick, Donald

Quimby, Lee

### CHESHIRE

Allen, Peter  
Dexter, Judson  
Meador, David  
Richardson, Barbara

Avery, Stephen  
Espieffs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Pratt, John

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Benn, Bernard  
Nordgren, Sharon  
Sokol, Hilda

Alger, John  
Cobb, John  
Pawlek, Marion  
Solow, Martha

Almy, Susan  
Cooney, Mary  
Scanlan, David  
Ward, Brien

Barker, Robert  
Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Allan, Nelson	Balcom, John	Barody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Dyer, Merton	Emerton, Lawrence Sr	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Guinta, Frank	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Leach, Edward	Leishman, Peter
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Mercer, Robert
Messier, Irene	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Peterson, Andrew	Rowe, Robert
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	Wheeler, Robert	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	MacKay, James	Moore, Carol
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond	Boynton, James
Bridle, Russell	Case, Margaret	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dearborn, Bruce
Downing, Michael	Francœur, Sheila	Gilbert, Karl	Giordano, Ronald
Henderson, Warren	Itse, Daniel	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Langone, John
McGuire, Robert	McKinney, Betsy	Norelli, Terie	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Saia, Pamela	Sapareto, Frank	Shultz, Elizabeth	Splaine, James
Varrell, Thomas	Weatherspoon, Jacquelyne	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy			

and the majority report failed.

Rep. William Johnson moved Inexpedient to Legislate.

Adopted.

**(Rep. Whalley in the Chair)**

**CACR 35**, relating to property taxation for education funding. Providing that the state shall not impose a real property tax to fund public education that requires the taxpayers in any political subdivision to provide funds in excess of the amount required to support the cost of public educa-

tion for pupils in such political subdivision, nor shall the state require any political subdivision to impose, collect, or remit such a tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey D. Gilbert for the Majority of Ways and Means: Under current law, all New Hampshire municipalities are required to assess and collect the Education Property Tax (EPT). The EPT is a major source of revenue for funding the state's "adequate education grants" to municipalities. The EPT is imposed at a uniform rate throughout the state. As a result, some municipalities are required to collect more EPT than is needed to fund the State's "adequate education grants" to them, and must transfer the excess to the State. Current law refers to these transferred funds as the "Excess Education Property Tax payment." The Excess Education Property Tax payment is what has created the so-called "Donor Town" problem. Over the past 3 years, 55 New Hampshire communities have been required to collect and transfer to the State nearly \$85 million from their property taxpayers. The projected transfer for the current fiscal year is another \$35 million. This \$120 million has been collected from donor town taxpayers without regard to their ability to pay, and is no longer available to support local projects. Because of the formula for calculating adequate education grants, low/moderate income homeowners in donor towns wind up paying additional property taxes to lower the taxes of well-to-do taxpayers in receiver towns. The result of this has injected an unjust, highly divisive element into the way the state supports public education. CACR 35 will prohibit collection of the "Excess Education Property Tax". Under the Committee amendment, the CACR would modify Part 2, Article 5 of the New Hampshire Constitution to provide that if the State uses the EPT as a source of revenue for meeting its adequate education funding responsibility, the State cannot collect or require a municipality to collect more EPT than the state contributes to support the cost of adequate education for its pupils. A constitutional amendment is needed to do this because of a decision of the New Hampshire Supreme Court in *Opinion of the Justices (School Financing)*, 142 N.H. 892 (1998) ("ABC Plan") which struck down property tax abatements that would have avoided the current problem. If adopted by the voters, CACR 35 would modify that court decision. This CACR would also nullify the current statute which requires municipalities to remit Excess Education Property Tax payments to the State. CACR 35 would not prohibit the State from continuing to use the EPT as a source of funds for adequate education grants, nor would it require that the EPT be set at any particular rate. Also, the CACR would not affect any other education funding relationships, such as funding arrangements among municipalities participating in cooperative school districts. CACR 35 would apply only, as the language states, to a real property tax used by the State to fund public education, and then only would limit the collection of such a tax in a city or town to the amount contributed by the state to support the cost of public education in that city or town. CACR 35 would modify the "proportionality" principle only in relation to the EPT, and then only to the extent needed to eliminate the Excess Education Property Tax payment. In the past, voters have approved other modifications to strict "proportionality" for good public purposes, such as the timber tax amendment and the current use amendment, which are now parts of the state constitution. If adopted by the voters, CACR 35 would apply to tax years beginning on and after April 1, 2003, which would delay its fiscal impact until the State's biennium that begins July 1, 2003. CACR 35 would not add to any deficit in the current biennium. Vote 9-7.

Rep. Frank V. Sapareto for the Minority of Ways and Means: The minority of the committee would love to give property tax decreases to those who truly need it. This bill fails to do that. The effect of this bill would allow those communities who already have the lowest property tax rates to further reduce them at over a \$32 million cost to towns that have the highest tax rates in the state. The minority believes that if we take the drastic step to change our Constitution to help aggrieved taxpayers, we should be helping taxpayers who need it the most. Unfortunately, this bill only raises those taxes for those paying stratospheric tax rates while further reducing the lowest tax rate in the state.

### Majority Amendment (2609h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: property taxation for education funding.

PROVIDING THAT: if the state imposes a real property tax to fund public education, the state shall not collect, nor shall it require a political subdivision to collect or remit, such tax in excess of the amount contributed by the state to support the cost of adequate public education for pupils in such political subdivision.



Amend the resolution by replacing all after the resolving clause with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds; *and provided further, that if the state imposes a real property tax to fund public education, the state shall not collect, nor shall it require a political subdivision to collect or remit, such tax in excess of the amount contributed by the state to support the cost of adequate public education for pupils in such political subdivision.* For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2002 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending article 5 of the second part of the constitution to read as follows:

[Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court

shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds; **and provided further, that if the state imposes a real property tax to fund public education, the state shall not collect, nor shall it require a political subdivision to collect or remit, such tax in excess of the amount contributed by the state to support the cost of adequate public education for pupils in such political subdivision.** For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2002 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption and shall apply to tax years beginning on and after April 1, 2003.

### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that if the state imposes a real property tax to fund public education, the state shall not collect, nor shall it require a political subdivision to collect or remit, such tax in excess of the amount contributed by the state to support the cost of adequate public education for pupils in such political subdivision.

Majority amendment adopted.

Rep. Mirski offered floor amendment (2869h).

### Floor Amendment (2869h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: taxation of real property.

PROVIDING THAT: the state shall not impose a real property tax to fund any function of state government and any real property tax imposed by a political subdivision of the state shall be solely for the use of that political subdivision.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state,

the general court may provide for special assessments, rates and taxes on growing wood and timber. *Notwithstanding any other provision of this constitution, the state shall not impose a real property tax to fund any function of state government and any real property tax imposed by a political subdivision shall be solely for the use of that political subdivision.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2002 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending article 5 of the second part of the constitution to read as follows:

[Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber. Notwithstanding any other provision of this constitution, the state shall not impose a real property tax to fund any function of state government and any real property tax imposed by a political subdivision shall be solely for the use of that political subdivision.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2002 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption and shall apply to tax years beginning on and after April 1, 2003.

#### AMENDED ANALYSIS

This constitutional amendment-current resolution provides that the state shall not impose a real property tax to fund any function of state government and that any real property tax imposed by a political subdivision shall be solely for the use of that political subdivision.

Reps. Mirski and Winter spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the floor amendment (2869h).

**YEAS 122 NAYS 194****YEAS 122  
BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Dewhirst, Glenn  
Rice, Thomas Jr

**CARROLL**

Babson, David Jr  
Mock, Henry

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph  
Torresen, Gary

Lyman, L Randy

**CHESHIRE**

Edwards, Dana  
Pratt, John

Emerson, Susan  
Roberts, William

Fairbanks, Chandler

Liebl, George

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Alger, John  
Gabler, William  
Lovett, Sid  
Ward, Brien

Barker, Robert  
Gilman, G Michael  
Marshall, Gene

Cobb, John  
Giuda, Robert  
Mirski, Paul

Dudley, Terri  
Ham, Bonnie  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Bouchard, David  
Chabot, Robert  
Desrosiers, William  
Gleneck, David  
Holden, Randolph  
McRae, Karen  
O'Connell, Timothy  
Spiess, Paul

Artz, Lawrence  
Brundige, Robert  
Christiansen, Lars  
Drisko, Richard  
Golding, William  
Jean, Loren  
Mercer, Robert  
Reeves, Sandra  
Tate, Joan

Balboni, Michael  
Bruno, Pierre  
Clegg, Robert Jr  
Dyer, Merton  
Gonzalez, Carlos  
L'Heureux, Robert  
Milligan, Robert  
Rowe, Robert  
White, Donald

Bergeron, Jean-Guy  
Carlson, Donald  
Coughlin, Pamela  
Flora, Kathleen  
Goulet, Maurice  
LaRose, Richard  
Moran, Edward  
Salts, Greg

**MERRIMACK**

Anderson, Eric  
Winter, Steven

Fraser, Leo Jr

Hager, Elizabeth

Swindlehurst, John

**ROCKINGHAM**

Boynton, James  
Dearborn, Bruce  
Flanders, John Sr  
Henderson, Warren  
Langone, John  
Packard, Sherman  
Quandt, Matthew  
Stritch, C Donald

Camm, Kevin  
DiFruscia, Anthony  
Gilbert, Karl  
Introne, Robert  
Major, Norman  
Palermo, Diane  
Ruffner, Walter  
Varrell, Thomas

Carson, Sharon  
Dumaine, Dudley  
Giordano, Ronald  
Itse, Daniel  
McKinney, Betsy  
Putnam, Ed II  
Saia, Pamela  
Welch, David

Chalbeck, Kevin  
Fesh, Bob  
Hamel, Albert  
Langley, Jane  
Nowe, Ronald  
Quandt, Marshall  
Stone, Joseph  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell

Cossette, Larry

Harrington, Michael

Woods, Phyllis

**SULLIVAN**

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 194 BELKNAP

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Thomas, John

### CARROLL

Bradley, Jeb

Patten, Betsey

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Dexter, Judson  
McGuirk, Paul  
Richardson, Barbara

Avery, Stephen  
Espiefs, Peter  
Meador, David  
Smith, Edwin

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Weed, Charles

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

### COOS

Bradley, Paula  
Tholl, John Jr

Davis, Perley

Landers, Dana

Stohl, Eric

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Sokol, Hilda

Almy, Susan  
Pawlek, Marion  
Solow, Martha

Benn, Bernard  
Scanlan, David  
Teschner, Douglass

Cooney, Mary  
Scovner, Nancy  
Williams, Burton

### HILLSBOROUGH

Balcom, John  
Bergin, Peter  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Goley, Jeffrey  
Hall, Betty  
Johnson, Lionel  
Kurk, Neal  
Martel, Andre  
Messier, Irene  
Panagopoulos, Nicholas  
Seibel, Christopher  
Thulander, O Alan  
Williams, Carol

Baroody, Benjamin  
Bragdon, Peter  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul  
Fields, Dennis  
Gorman, Mary  
Hall, Charles  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Movsesian, Lori  
Pepino, Leo  
Shaw, Barbara  
Vaillancourt, Steve

Batula, Peter  
Buckley, Raymond  
Cote, David  
Dionne, Kimberley  
Eaton, Richard  
Ford, Nancy  
Graham, John  
Herman, Keith  
Keye, Harvey  
Leishman, Peter  
McDonough-Wallace, Alice  
Murphy, Robert  
Peterson, Andrew  
Sullivan, Peter  
Wheeler, Robert

Bellavance, Paul  
Calawa, Leon Jr  
Cote, Peter  
Dokmo, Cynthia  
Elliott, Larry  
Ginsburg, Ruth  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
Lessard, Rudy  
Melcher, Harold  
Palangas, Eric  
Sargent, Maxwell  
Sweeney, Cynthia  
White, John

### MERRIMACK

Bouchard, Candace  
Colcord, J D  
Davis, Frank  
Hess, David  
MacKay, James  
Reardon, Tara  
Yeaton, Charles

Brewster, Richard  
Crosby, Toni  
Feuerstein, Martin  
Jacobson, Alf  
Maxfield, Roy  
Rodd, Beth

Burney, Carol  
Cummings, Raymond  
French, Barbara  
Leber, William  
Moore, Carol  
Rush, Deanna

Clarke, Claire  
Daneault, Gabriel  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

### ROCKINGHAM

Arndt, Janet  
Clark, Martha Fuller  
Cox, Russell  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Pantelakos, Laura  
Robertson, Carl  
Trueman, Raymond

Belanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Griffin, Mary  
Kane, Cecelia  
Letourneau, Robert  
Pitts, Jacqueline  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Coes, Betsy  
Downing, Michael  
Holland, James Jr  
Katsakiores, George  
McGuire, Robert  
Priestley, Anne  
Shultis, Elizabeth  
Zolla, William

Bowles, Raimond  
Cooney, Richard  
Francoeur, Sheila  
Hutchinson, Karen  
Katsakiores, Phyllis  
Micklon, Stephanie  
Rausch, James  
Splaine, James

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the floor amendment(2869h) failed.  
Reps. Sapareto, Vaillancourt, Marjorie Smith and Hager spoke against.  
Reps. Langley, Pantelakos, Splaine, Jacobson and Mock spoke in favor.  
Rep. Bowles spoke in favor and yielded to questions.  
Rep. Bridle requested a roll call; sufficiently seconded.  
The question being adoption of the majority report.

**YEAS 132 NAYS 184**

**YEAS 132**

**BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Torressen, Gary	

**CHESHIRE**

Avery, Stephen	Edwards, Dana	Fairbanks, Chandler	Liebl, George
Mitchell, McKim	Smith, Edwin		

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr		

**GRAFTON**

Barker, Robert	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Ham, Bonnie	Marshall, Gene
Scanlan, David	Sova, Charles	Ward, Brien	

**HILLSBOROUGH**

Allan, Nelson	Artz, Lawrence	Bergin, Peter	Bouchard, David
Bruno, Pierre	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Drisko, Richard	Emerton, Lawrence Sr	Flora, Kathleen	Gargas, Carolyn
Gleneck, David	Golding, William	Guinta, Frank	Herman, Keith
Jean, Loren	Kurk, Neal	Lefebvre, Roland	Lessard, Rudy
Mercer, Robert	Milligan, Robert	Moran, Edward	Reeves, Sandra
Sargent, Maxwell	Spiess, Paul	Tate, Joan	Thulander, O Alan

**MERRIMACK**

Anderson, Eric	Colcord, J D	Hess, David	Jacobson, Alf
Leber, William	MacKay, James	Swindlehurst, John	Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Boynton, James	Bridle, Russell	Camm, Kevin
Chalbeck, Kevin	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dumaine, Dudley	Flanders, John Sr	Francoeur, Sheila	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Itse, Daniel	Johnson, Rogers	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
Nowe, Ronald	O'Neil, Michael	Palermo, Diane	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Saia, Pamela	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	

**STRAFFORD**

Albert, Russell	Cossette, Larry	DeChane, Marlene	Proulx, Raymond
Reid, Christopher			

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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**NAYS 184****BELKNAP**

Dewhirst, Glenn	Holbrook, Robert	Johnson, William	Pilliod, James
Rosen, Ralph	Wood, Jane		

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Emerson, Susan	Espiels, Peter	Hunt, John	Manning, Joseph
McGuirk, Paul	Meador, David	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Rozek, Michael
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Giuda, Robert	Lovett, Sid	Mirski, Paul
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Balboni, Michael	Balcom, John	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Clayton, William	Cote, Peter	Craig, James	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Elliott, Larry	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greenberg, Gary
Hall, Betty	Hall, Charles	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Kacavas, John	Konys, Christine	LaFlamme, Paul
Leach, Edward	Leishman, Peter	Martel, Andre	Martin, Mary Ellen
McHugh, Claire	McRae, Karen	Melcher, Harold	Messier, Irene
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric

Panagopoulos, Nicholas  
Salts, Greg  
Vaillancourt, Steve  
Williams, Carol

Pepino, Leo  
Souza, Kathleen  
Wheeler, Robert

Peterson, Andrew  
Sullivan, Peter  
White, Donald

Rowe, Robert  
Sweeney, Cynthia  
White, John

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Moore, Carol  
Rush, Deanna

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Kennedy, Richard  
Potter, Frances  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Reardon, Tara  
Yeaton, Charles

Clarke, Claire  
Davis, Frank  
Greco, Vincent  
Maxfield, Roy  
Rodd, Beth

### ROCKINGHAM

Carson, Sharon  
Cooney, Richard  
Introne, Robert  
Letourneau, Robert  
Packard, Sherman  
Ruffner, Walter  
Weyler, Kenneth

Clark, Martha Fuller  
Downing, Michael  
Johnson, Robert  
McGuire, Robert  
Priestley, Anne  
Sapareto, Frank  
Whittier, John

Clark, Vivian  
Fesh, Bob  
Katsakiores, George  
McKinney, Betsy  
Putnam, Ed II  
Shultis, Elizabeth  
Zolla, William

Coes, Betsy  
Gilbert, Karl  
Katsakiores, Phyllis  
Norelli, Terie  
Rausch, James  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith

Bickford, David  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Marsha  
Taylor, Kathleen

Brown, Julie  
Harrington, Michael  
Lent, Donald  
Rollo, Michael  
Wall, Janet

Dunlap, Patricia  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Woods, Phyllis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

and the majority report failed.

Rep. Sapareto moved Inexpedient to Legislate.

Adopted.

### (Speaker Chandler in the Chair)

**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the Majority of Ways and Means: If passed in its current form, this bill would repeal the statewide education property tax without in any way revising or reducing the state's current obligation to fund an adequate education. This would create a revenue shortfall of almost \$500 million without any provision for replacing that revenue. In fact, the only possible source for such a huge sum is a state income tax. A majority of the committee voted to send this bill to interim study after an original deadlock vote of 8-8. Interim study will allow the Ways and Means Committee to do precisely what the minority wants – consider and act on the information which should become available from the Charles River tax modeling software. But with interim study, the committee could start the process six months earlier than it could if this bill were passed. In fact, interim study will give the Ways and Means Committee nine months to study this issue and propose fiscally responsible legislation rather than just three months. A statewide property tax has been an essential component of every single proposal to fund education over the last four years, including "ABC", "Excel", "Hager-Below", and all other income, sales and consumption tax proposals. A total repeal of this tax without deliberate study and without specifying an alternate revenue source is the height of fiscal irresponsibility and will place the state's credit rating at extremely great risk. Vote 10-6.

Rep. John S. Langone for the Minority of Ways and Means: When we first passed the statewide property tax, we promised the citizens of New Hampshire that the tax was a temporary solution that would sunset in 2003. Last year the legislature broke that promise. The statewide property tax



sets the poorest among us against the common goal. Donor towns are hit doubly hard. The decision to make the statewide property tax a permanent tax was made without the benefit of information that should be available this year from the Charles River tax modeling software. Those models will provide objective information on the offset of this tax or other taxes on the New Hampshire economy. By sunseting the statewide property tax now, we give the legislature the opportunity to take the next year and a half and come up with an equitable, long-lasting and fiscally responsible solution.

Reps. Norelli and Mirski spoke against.

Rep. Sapareto spoke in favor.

Rep. Norelli requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

## YEAS 146 NAYS 152

### YEAS 146

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Lawton, David	Rosen, Ralph	Russell, David	Thomas, John

#### CARROLL

Bradley, Jeb	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey			

#### CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Pratt, Irene	Roberts, William
Smith, Edwin	Zerba, Roger		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Marshall, Gene
Scanlan, David	Teschner, Douglass	Ward, Brian	

### HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Balboni, Michael	Balcom, John
Baroody, Benjamin	Batula, Peter	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Craig, James	Dionne, Kimberley
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gleneck, David
Gonzalez, Carlos	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Hopper, Gary	Jean, Loren	Johnson, Lionel
Kacavas, John	Kurk, Neal	LaFlamme, Paul	Lessard, Rudy
Martel, Andre	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Panagopoulos, Nicholas
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Sullivan, Peter	Thulander, O Alan	Vaillancourt, Steve	

### MERRIMACK

Anderson, Eric	Cummings, Raymond	Feuerstein, Martin	Jacobson, Alf
Kennedy, Richard	Leber, William	MacKay, James	Swindlehurst, John
Whalley, Michael			

### ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Boynton, James	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	DiFruscia, Anthony	Downing, Michael

Dumaine, Dudley  
Giordano, Ronald  
Henderson, Warren  
Katsakiores, Phyllis  
McGuire, Robert  
Priestley, Anne  
Sapareto, Frank  
Welch, David

Fesh, Bob  
Gleason, John  
Introne, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Flanders, John Sr  
Griffin, Mary  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Robertson, Carl  
Stritch, C Donald  
Zolla, William

Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Hughes, Christopher

Bickford, David  
McCarthy, Gerald

Brown, Julie  
Wall, Janet

Cossette, Larry

### SULLIVAN

None

### NAYS 152

### BELKNAP

Johnson, William  
Rice, Thomas Jr

Millham, Alida  
Wendelboe, Fran

Nedeau, Stephen  
Wood, Jane

Pilliod, James

### CARROLL

Babson, David Jr  
Quimby, Lee

Chandler, Gene  
Torresen, Gary

Dickinson, Howard

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim

Avery, Stephen  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Weed, Charles

### COOS

Bradley, Paula

Davis, Perley

Pratt, Leighton

### GRAFTON

Almy, Susan  
Giuda, Robert  
Nordgren, Sharon  
Sova, Charles

Benn, Bernard  
Ham, Bonnie  
Scovner, Nancy  
Williams, Burton

Cooney, Mary  
Lovett, Sid  
Sokol, Hilda

Gabler, William  
Mirski, Paul  
Solow, Martha

### HILLSBOROUGH

Andosca, Mary  
Bouchard, David  
Drabinowicz, A Theresa  
Foster, Linda  
Hall, Betty  
Leach, Edward  
Messier, Irene  
Spiess, Paul  
Williams, Carol

Bellavance, Paul  
Buckley, Raymond  
Drisko, Richard  
Ginsburg, Ruth  
Herman, Keith  
Lefebvre, Roland  
Movsesian, Lori  
Sweeney, Cynthia

Bergeron, Jean-Guy  
Cote, Peter  
Dwyer, Paul  
Golding, William  
Jean, Claudette  
Leishman, Peter  
O'Connell, Timothy  
White, Donald

Bergin, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Gorman, Mary  
Konys, Christine  
Melcher, Harold  
Souza, Kathleen  
White, John

### MERRIMACK

Bouchard, Candace  
Colcord, J D  
Fraser, Leo Jr  
Maxfield, Roy  
Rodd, Beth  
Yeaton, Charles

Brewster, Richard  
Crosby, Toni  
French, Barbara  
Moore, Carol  
Rush, Deanna

Burney, Carol  
Daneault, Gabriel  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
Lockwood, Priscilla  
Reardon, Tara  
Winter, Steven

### ROCKINGHAM

Blanchard, MaryAnn  
Coes, Betsy

Bowles, Raimond  
Cooney, Richard

Camm, Kevin  
Cox, Russell

Clark, Martha Fuller  
Dearborn, Bruce

Gilbert, Karl  
Langley, Jane  
Palermo, Diane  
Quandt, Marshall  
Splaine, James

Itse, Daniel  
Langone, John  
Pantelakos, Laura  
Quandt, Matthew  
Trueman, Raymond

Johnson, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Saia, Pamela  
Weatherspoon, Jacquelyne

Kane, Cecelia  
O'Neil, Michael  
Putnam, Ed II  
Shultis, Elizabeth  
Whittier, John

### STRAFFORD

DeChane, Marlene  
Harrington, Michael  
Pelletier, Arthur  
Smith, Marjorie

Dunlap, Patricia  
Johnson, Nancy  
Proulx, Raymond  
Spang, Judith

Estabrook, Iris  
Kaen, Naida  
Reid, Christopher  
Taylor, Kathleen

Gilmore, Gary  
Lent, Donald  
Rollo, Michael  
Woods, Phyllis

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

and the majority report failed.

Rep. Mock moved Ought to Pass.

Rep. Langley requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought to Pass.

### YEAS 188 NAYS 116

### YEAS 188

### BELKNAP

Bartlett, Gordon  
Pilliod, James

Johnson, William  
Rice, Thomas Jr

Millham, Alida  
Wendelboe, Fran

Nedeau, Stephen  
Wood, Jane

### CARROLL

Babson, David Jr  
Mock, Henry

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Kenney, Joseph  
Torressen, Gary

### CHESHIRE

Allen, Peter  
Emerson, Susan  
Meador, David  
Weed, Charles

Avery, Stephen  
Espieffs, Peter  
Mitchell, McKim

Batchelder, Robert  
Manning, Joseph  
Pratt, John

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

### COOS

Bradley, Paula  
Rozek, Michael

Davis, Perley

Horton, Lynn

Pratt, Leighton

### GRAFTON

Almy, Susan  
Cooney, Mary  
Giuda, Robert  
Nordgren, Sharon  
Solow, Martha

Barker, Robert  
Dudley, Terri  
Ham, Bonnie  
Pawlek, Marion  
Sova, Charles

Benn, Bernard  
Gabler, William  
Lovett, Sid  
Scovner, Nancy  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Sokol, Hilda  
Williams, Burton

### HILLSBOROUGH

Andosca, Mary  
Bergeron, Jean-Guy  
Carlson, Donald  
Dokmo, Cynthia  
Dyer, Merton  
Goley, Jeffrey  
Jean, Claudette  
Lefebvre, Roland  
Messier, Irene  
Souza, Kathleen  
White, John

Balboni, Michael  
Bergin, Peter  
Clayton, William  
Drabinowicz, A Theresa  
Foster, Linda  
Gorman, Mary  
Jean, Loren  
Leishman, Peter  
Movsesian, Lori  
Spiess, Paul  
Williams, Carol

Baroody, Benjamin  
Bruno, Pierre  
Cote, Peter  
Drisko, Richard  
Ginsburg, Ruth  
Greenberg, Gary  
Konys, Christine  
Martin, Mary Ellen  
O'Connell, Timothy  
Sweeney, Cynthia

Bellavance, Paul  
Buckley, Raymond  
Coughlin, Pamela  
Dwyer, Paul  
Golding, William  
Hall, Betty  
Leach, Edward  
Melcher, Harold  
Palangas, Eric  
White, Donald

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Whalley, Michael	Winter, Steven
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Boynton, James	Camm, Kevin
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
Dearborn, Bruce	Dumaine, Dudley	Francoeur, Sheila	Griffin, Mary
Hamel, Albert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Kobel, Rudolph	Langley, Jane	Langone, John
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

**STRAFFORD**

DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Harrington, Michael	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Rodeschin, Beverly

**NAYS 116****BELKNAP**

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Lawton, David
Rosen, Ralph	Russell, David	Thomas, John	

**CARROLL**

Bradley, Jeb	Lyman, L Randy	Patten, Betsey
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**CHESHIRE**

Dexter, Judson	Edwards, Dana	Fairbanks, Chandler	Hunt, John
Liebl, George	Pratt, Irene	Roberts, William	Smith, Edwin
Zerba, Roger			

**COOS**

Gallus, John	Guay, Lawrence	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Akins, Ralph	Alger, John	Eaton, Stephanie	Marshall, Gene
Scanlan, David	Teschner, Douglass		

**HILLSBOROUGH**

Allan, Nelson	Artz, Lawrence	Balcom, John	Batula, Peter
Bouchard, David	Bragdon, Peter	Brundige, Robert	Calawa, Leon Jr
Christiansen, Lars	Clegg, Robert Jr	Craig, James	Dionne, Kimberley
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis

Flora, Kathleen  
Gonzalez, Carlos  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Vaillancourt, Steve

Ford, Nancy  
Graham, John  
Hopper, Gary  
LaFlamme, Paul  
McRae, Karen  
Panagopoulos, Nicholas  
Sargent, Maxwell

Furman, Christine  
Guinta, Frank  
Johnson, Lionel  
Lessard, Rudy  
Mercer, Robert  
Peterson, Andrew  
Sullivan, Peter

Gleneck, David  
Hall, Charles  
Kacavas, John  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
MacKay, James

Cummings, Raymond  
Swindlehurst, John

Kennedy, Richard

Leber, William

### ROCKINGHAM

Arndt, Janet  
Clark, Vivian  
Flanders, John Sr  
Henderson, Warren  
Letourneau, Robert  
Packard, Sherman  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
DiFruscia, Anthony  
Gilbert, Karl  
Introne, Robert  
Major, Norman  
Priestley, Anne  
Stone, Joseph  
Weyler, Kenneth

Carson, Sharon  
Downing, Michael  
Giordano, Ronald  
Katsakiores, George  
McGuire, Robert  
Rausch, James  
Stritch, C Donald  
Zolla, William

Chalbeck, Kevin  
Fesh, Bob  
Gleason, John  
Katsakiores, Phyllis  
McKinney, Betsy  
Robertson, Carl  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
McCarthy, Gerald

Bickford, David

Brown, Julie

Cossette, Larry

### SULLIVAN

None  
and the motion of Ought to Pass was adopted.  
Ordered to third reading.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Avery moved that the House reconsider its action whereby it passed **HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education and spoke against.  
Reconsideration failed.

### SPECIAL ORDERS

#### BILLS REMOVED FROM CONSENT CALENDAR MARCH 6, 2002

**HB 1429**, relative to the scope of the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation comes before the House as a result of a study committee that met many times over the past summer. The basic purpose of this legislation is to clarify issues pertaining to consumer protection. The committee has recommended an increase in manpower at the Attorney General's Office in order to investigate and prosecute fraud. This issue was addressed in a companion bill (HB 1438). The committee's second recommendation is better coordination and communication between departments. Thirdly, it addressed in the bill the extent to which highly regulated industries such as a public utility company, banking or insurance should be subject to the consumer protection law. This bill, as amended, adds a new violation of the Consumer Protection Act for pricing practices that impede competition. It also narrows the scope of the Act's exemption for regulated trade or commerce from the Act. The amended bill will exempt only activities by regulated businesses or professions that are expressly permitted by governing laws, regulations or standards. The department of justice may enforce an activity that is not exempt and violates the Act. An injured individual in a private right of action may also recover actual damages. Further, the defendant may recover reasonable attorney's fees and costs if the court should determine that the lawsuit was frivolously brought. Vote 15-0.

**Amendment (2722h)**

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Consumer Protection; Definition of Regulated Person Added. Amend RSA 358-A:1 by inserting after paragraph I the following new paragraph:

I-a. "Regulated person" is any person, who is subject to laws, regulations, or standards that regulate unfair or deceptive acts or practices in the conduct of trade or commerce and who is regularly examined for compliance with such laws, regulations, or standards by a federal or state regulatory authority or is subject to sanctions or remedial action by said authority for failure to comply with such laws, regulations, or standards, such as banking, insurance, or a utility company.

3 Consumer Protection; Exempt Transactions; Regulated Persons. RSA 358-A:3, I is repealed and reenacted to read as follows:

I. Any act or practice in the conduct of trade or commerce by a regulated person that is specifically permitted by laws, regulations, or standards to which it is subject. Any regulated person engaging in any act or practice in the conduct or trade or commerce which is not exempt under this paragraph shall be subject to RSA 358-A only to the extent as follows:

(a) The attorney general may take enforcement action to remedy any such act or practice in violation of RSA 358-A pursuant to RSA 358-A:4, III and III-a, RSA 358-A:5, RSA 358-A:7, and RSA 358-A:8.

(b) Any individual injured by any such act or practice in violation of RSA 358-A may bring action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper, against a regulated person. A prevailing plaintiff shall be awarded reasonable attorneys' fees and costs, as determined by the court. If the court finds that the plaintiff's actions were frivolous, the court shall give reasons thereof in writing and may assess reasonable attorneys' fees and costs.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill exempts certain regulated persons from the consumer protection act.

Adopted.

Rep. McGuirk spoke in favor.

Report adopted and ordered to third reading.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: Since the Sept. 11 attack on the World Trade Center in New York, our safety officials have had to re-examine many of the statutes and suggest changes in the way we do business. This bill is a result of an examination of our explosives statutes and licensing requirements for purchase and transportation of explosive materials. Section 1 of the bill adds a requirement to RSA 106-F:7, for detectives and armed security guards to be subject to a fingerprint examination conducted by the Federal Bureau of Investigation and puts the cost of such examination on the applicant. Currently the FBI will not do these background checks unless the state statutes require it. Section 2 adds a requirement to RSA 158:9-b, that those who apply for a license to purchase and transport explosives and explosive materials possess a certificate of competency in the use and handling of these items. A new section, RSA 158:9-b, IV, adds a licensing requirement for the use, purchase, and transport of black powder and other flash powders in excess of 50 pounds, for the use of fireworks manufacturing. Section 3 increases fees for certain licenses to reflect the new requirements for approval and inspections. Section 4 updates the definition of explosives and exempts components used for hand loading rifle, shotgun and pistol ammunition, as well as the rifle, shotgun and pistol ammunition itself. Section 5 adds duties for certain officials to report threats to the Division of State Police Vote 14-0.

**Amendment (2806h)**

Amend RSA 106-F:7, I as inserted by section 1 of the bill by replacing it with the following:

I. Following review of the application, the applicant's references, and investigation into the character, competency and integrity of the applicant, the commissioner shall as soon as practicable issue a license or renewal license in the form prescribed by him to the applicant, or notify the

applicant of denial of the application. *Prior to approval of any detective or security license issued under this chapter, the applicant shall submit to a fingerprint examination conducted by the Federal Bureau of Investigation, and the department of safety shall be authorized to use the records of the Federal Bureau of Investigation in the screening of applicants. The applicant shall be responsible for the cost of any background investigation or criminal records check required under this section.*

Rep. Welch spoke against.

Amendment failed.

Rep. Welch offered floor amendment (2885h).

#### Floor Amendment (2885h)

Amend RSA 106-F:7, I as inserted by section 1 of the bill by replacing it with the following:

I. Following review of the application, the applicant's references, and investigation into the character, competency and integrity of the applicant, the commissioner shall as soon as practicable issue a license or renewal license in the form prescribed by him to the applicant, or notify the applicant of denial of the application. *Prior to approval of any armed detective or security license issued under this chapter, the applicant shall submit to a fingerprint examination conducted by the Federal Bureau of Investigation, and the department of safety shall be authorized to use the records of the Federal Bureau of Investigation in the screening of applicants. The applicant shall be responsible for the cost of any background investigation or criminal records check required under this section.*

Rep. Welch spoke in favor.

Adopted.

Report adopted.

#### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee beyond the deadline on *HB 1472-FN*, amending the definitions, application, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services.

Adopted by the necessary two-thirds.

Referred to Ways and Means.

#### SPECIAL ORDERS (CONT'D.)

**HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: The bill states, "No quotas, goals, or guidelines for hiring or promotion (or college or university admission) based on race, sex, national origin, religion or sexual orientation may be established." However, none of the state entities referred to in this bill have quotas. Indeed quotas are not allowed as a result of the 1978 U.S. Supreme Court Decision in the Bakke case. Goals and guidelines are necessary to assure equal opportunity without superseding the concept of merit. Having heard lengthy testimony from officials of the University System and many concerned citizens, the committee believes the present state hiring practices and the university admissions policy are fair and dedicated to making known to diverse populations that opportunities are available. Vote 15-0.

Rep. Harrington spoke against.

Adopted.

Rep. Carson declared a conflict of interest and did not participate.

**HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The amendment completely replaces the original bill. This bill ratifies actions taken at town meetings in two separate towns. In the first instance, all acts, notices, votes and proceedings pertinent to articles 4 and 7 of the Amherst town meetings held on February 7, 2001 and March 13, 2001 are hereby legalized, ratified and confirmed. In the second instance, all acts, votes, notices, and proceedings pertinent to article 3 of the Pembroke town meeting held on April 21, 2001 are hereby legalized, ratified and confirmed. The original bill dealt with a request from the city of Dover to hold a municipal election in conjunction with the 2002

biennial election which the committee determined was contrary to the intent of the Constitutional Convention in 1870 and was contrary to the strong support by a previous legislature in HB 532 in 1997 and was strongly opposed by the current Secretary of State. Vote 17-0.

#### **Amendment (2774h)**

Amend the title of the bill by replacing it with the following:

AN ACT ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

Amend the bill by replacing all after the enacting clause with the following:

1 Ratification of the 2001 Amherst Annual Town Meeting. All acts, notices, votes, and proceedings pertinent to articles 4 and 7 of the Amherst town meetings held on February 7, 2001 and March 13, 2001, are hereby legalized, ratified, and confirmed.

2 Ratification of April 21, 2001 Pembroke Town Meeting. All acts, votes, notices, and proceedings pertinent to article 3 of the Pembroke town meeting held on April 21, 2001, are hereby legalized, ratified, and confirmed.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill ratifies the town meetings of Amherst and Pembroke.  
Adopted.

Rep. Gilmore offered floor amendment (2897h).

#### **Floor Amendment (2897h)**

Amend the title of the bill by replacing it with the following:

AN ACT permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election, and ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

Amend the bill by replacing all after the enacting clause with the following:

1 Local Elections in the City of Dover; Conjunction With Biennial Election Permitted. Notwithstanding RSA 44:11, the city of Dover may hold municipal elections in conjunction with the 2002 biennial election.

2 Ratification of the 2001 Amherst Annual Town Meeting. All acts, notices, votes, and proceedings pertinent to articles 4 and 7 of the Amherst town meetings held on February 7, 2001 and March 13, 2001, are hereby legalized, ratified, and confirmed.

3 Ratification of April 21, 2001 Pembroke Town Meeting. All acts, votes, notices, and proceedings pertinent to article 3 of the Pembroke town meeting held on April 21, 2001, are hereby legalized, ratified, and confirmed.

4 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill permits the city of Dover to hold a municipal election in conjunction with the 2002 biennial election.

This bill also ratifies certain proceedings from the town meetings of Amherst and Pembroke.  
Rep. Gilmore spoke in favor.

Rep. Brundige spoke against.

On a division vote, 117 members having voted in the affirmative and 162 in the negative, the floor amendment failed.

Report adopted and ordered to third reading.

#### **RESOLUTION**

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 21, 2002.

Adopted.



**LATE SESSION****Third reading and final passage**

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools.

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety and emergency management.

**HB 672**, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

**HB 1259-FN-L**, relative to the base cost for calculating adequate education grants.

**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education.

**HB 1429**, relative to the scope of the consumer protection act.

**HB 1410-L**, ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

**UNANIMOUS CONSENT**

Reps. Peterson and Leach addressed the House.

Rep. Scanlan moved that Rep. Peterson's remarks be printed in the Permanent Journal.

Adopted by a rising vote.

Rep. Peterson: Thank you, Mr. Speaker, and thank you members of the House. Mr. Speaker, I rise to voice the sorrow felt in my community today as a result of the untimely death of Morgan McDuffee. The 22-year-old senior captain of the Bates College Lacrosse team, memorialized and laid to rest earlier today in Peterborough, was the son of Regis McDuffee and Lisa Freeman, who live two doors down from our home.

The tragedy comes on the heels of the sudden death of 44-year-old Peterborough native John Eneguess, a former Olympic skier who passed away in his sleep a short week ago and on top of the news that Gregg and Patty Alexander's son Tommy, a student at University of New Hampshire, has contracted spinal meningitis. These events have settled over our daily affairs this week like a shadow, and have reminded us all once again of the fragility of life itself.

I waited for about a half hour in the line last night just to enter the funeral home for Morgan's calling hours. There were over two hundred people on the premises when I came through and that was after there had been another calling hours held earlier in the afternoon. Many of the Bates College's students and recent alumni, as well as students, faculty and administration of High Mowing and Pine Hill schools were there amongst extended family and friends. Our street, as well, has been lined up and down both sides with the cars of visitors who seem to be streaming in from everywhere.

The house where my friends Lisa Freeman and Kerby Porter-Elliott and family live was once occupied by Doc Gibbs of Thornton Wilder's *Our Town* fame. Its current southwestern-style interior décor has suddenly been flooded with flowers, old photographs and so many friends. But, in a wrenching turn of events, one of Morgan's young friends, who visited to pay his respects a few shorts night ago, himself died while returning home, in a car crash on the side of Temple Mountain.

Mr. Speaker, the story of the murder in Maine has given many of us pause. It is the horrifying kind of event that brings us to question the state of our society today. We don't now know, and perhaps will never know, all the facts surrounding the confrontation. It appears that Morgan, team captain, came to the aid of lacrosse teammates in the midst of a kind of town/gown scuffle that took place in the wee hours of last Sunday morning on the Main Street of Lewiston, Maine. One of the combatants drew a knife and fatally wounded Morgan, robbing him of his life and bright promise for the future. I worry that in our technologically advanced age, full of its fantastic images and marvelous devices, we may be at times leaving behind, bit by bit, the care and concern for one another despite our differences that ennobles our humanity and helps our children to grow strong. Such events as occurred this week in Maine seem otherworldly, like a video game or action feature, and yet, the actors are real and live around the corner. As I look in the eyes of Morgan's girlfriend or grieving mother, I know that this kind of violence has to end and that we must each consider what we can do as individuals to stop it.

I am also moved to remember with gratitude, even in the midst of this incredible week with its horrible events, how much has truly gone right. The outpouring of support and love for Morgan's family has been overwhelming. We are reminded through sorrow of the largely unmerited gifts that abound in our lives — of friends, of family and of the opportunity to be of service. If growing out of this senseless tragedy is a resolve to learn to respect one another just a little bit more, then Morgan McDuffee shall not have died in vain. Thank you, Mr. Speaker.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 6:15 p.m.

**RECESS**

**(Speaker Chandler in the Chair)**

**COMMITTEE ASSIGNMENT**

Rep. Boynton on Public Works and Highways.

**RECESS**

**(Rep. Francoeur in the Chair)**

**RESOLUTION**

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 300, 435, 439, 442 and 446 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures. (Municipal and County Government)

**SB 435-FN**, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. (Judiciary)

**SB 439**, relative to the membership of the information technology management advisory board. (Executive Departments and Administration)

**SB 442-FN**, establishing a committee to study revising the statutes relative to the state militia and the state guard. (State-Federal Relations and Veterans Affairs)

**SB 446**, relative to rights and protections for New Hampshire national guard members called to state active duty. (State-Federal Relations and Veterans Affairs)

**SENATE MESSAGES****CONCURRENCES**

**HB 137**, establishing a committee to study the definition of domicile for voting purposes.

**HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day.

**HB 1222**, exempting ice-out contests from the laws regulating games of chance.

**HB 1223**, establishing a committee to study the model insurance rating laws.

**HB 1384**, making certain technical changes to the workers' compensation law.

**NONCONCURRENCES**

**HB 162-FN-L**, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

**HB 658-FN-A**, relative to the homeless prevention fund.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 10

March 21, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Divine Creator, maker of all things seen and unseen, we thank You this day for our beloved New Hampshire. We ask Your blessing upon her citizens and upon those who they have sent here, especially the Governor, the members of this House and of the Senate, to perform the honorable tasks of government service. Today we also especially remember the men and women of New Hampshire in state offices and agencies who work tirelessly behind the scenes for our benefit and care.

We thank You also for the many liberties we enjoy and for those who sacrificed so much in the day of decision that we might continue to be free citizens of this beautiful state. Awaken us when we take our liberties too lightly. Arouse us when we share not in liberty's defense. Forgive us, when in cynicism, laziness or ignorance, we fail to participate in the sacred responsibilities of democracy. Bless the work that is done in these chambers and may each decision serve to empower the citizens of this fair state to embrace the joy of freedom and gladly, with compassion, accept the responsibilities which maintain our founders' dreams. Amen.

Rep. Terri Dudley led the Pledge of Allegiance.

The National Anthem was sung by Doria Bramante, a student attending Oyster River High School.

### LEAVES OF ABSENCE

Reps. Arnold, Cardin, Clemons, Dearborn, Dunne, Fletcher, Griffin, Lyman, Palermo, Irene Pratt, Snyder, Stohl, John White and Carol Ann Williams, the day, illness.

Reps. Bellavance, Case, David Cote, Crosby, DePecol, Dewhirst, Flora, Marilyn Fraser, Jeffrey Gilbert, Giordano, Ham, Itse, William Johnson, Langer, Marsha Pelletier, Rausch, Roberts, Thompson, Weed and Jane Wood, the day, important business.

Rep. William Kelley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Fred, Bette and Candace Bramante, guests of the Speaker and Rep. Sapareto. Jennifer Starr and Jette Klinger, guests of Reps. Gargas and Drisko. Mary Ann Cooper and Fran Witcomb, guests of Rep. Phyllis Woods. Tim Jungmichel, guest of Rep. Francoeur. Nicholas, Jennifer and Judy Jacobetz and Connie Adams, guests of Rep. McGuirk. Fourth grade students from Manchester's Weston School, guests of the Manchester delegation.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 266**, establishing a committee to study recodification of the election laws. (Amendment printed SJ 03/14/02)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted.

**HB 141-L**, relative to regulation of junk yards. (Amendment printed SJ 01/24/02)

Rep. Babson moved that the House concur and spoke in favor.

Adopted.

**HB 463-FN**, relative to protective services to adults. (Amendment printed SJ 01/24/02)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (Amendment printed SJ 03/14/02)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 498**, relative to standards for records filed with a registry of deeds. (Amendment printed SJ 03/14/02)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Amendment printed SJ 01/24/02)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sargent, Phyllis Katsakiores, O'Keefe, and Knowles.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service, removed by Rep. Dyer.

**SB 342**, relative to the purpose of the certificate of need law, removed by Rep. Millham.

**HB 1481-FN-L**, relative to a highway construction project in Nashua, removed by Rep. Gleneck. Consent Calendar adopted.

**HB 1467-FN**, relative to the cost of vaccines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The basic components to this bill as amended are the following: First of all it establishes the New Hampshire Vaccine Association which will be comprised of insurance companies writing health insurance in the state of New Hampshire. The Department of Health & Human Services is charged with the responsibility of purchasing the vaccine at a discount. The funding sources for the program will be a combination of contributions from the federal government, funds provided by the insurance companies through an assessment process, and funds from the state. The beneficiaries are all children, residents of the state under the age of 19. If there is a penalty assessed against an insurer who failed to pay the assessment, the minimum fine will be \$5000 and up to the maximum of 125% of the delinquency. As a formula for assessing insurers it will be based on the number of covered lives. The calculation will be accomplished by multiplying the ratio of the number of resident children with non-public health benefits to the total number of children by the estimated vaccine costs. Vote 11-0.

### Amendment (2947h)

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Statement of Intent.

I. The general court finds that the reduction or elimination of diseases due to the introduction of vaccines is one of the most significant achievements of modern medicine and is vital to maintaining the public health and the health of New Hampshire residents. New Hampshire is one of 15 states that is a universal provider of vaccine. As a universal provider state, New Hampshire purchases federally-approved vaccines at the federal discount rate and makes them available free of charge to any child from birth through 18 years of age.

II. The general court further finds that future funding for vaccines is in jeopardy due to the increasing costs of existing vaccines, the expected introduction of new and more costly products, and the unpredictability of financial participation by insurers. Therefore, it shall be the responsibility of the department of health and human services to purchase vaccines at the most economical price using a combination of general funds, federal funds, and funds provided by insurers through the New Hampshire vaccine association, and it shall be the responsibility of insurers to reimburse the state for the cost of vaccines that are provided to New Hampshire resident children with non-public health benefits.

2 New Chapter: Assessment of Fees For Vaccine Costs. Amend RSA by inserting after chapter 126-P the following new chapter:

#### CHAPTER 126-Q

#### NEW HAMPSHIRE VACCINE ASSOCIATION

126-Q:1 Definitions. In this chapter:

I. "Association" means the New Hampshire vaccine association.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Covered lives" shall have the same meaning as defined in RSA 404-G:2, V.

IV. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.

V. "Health insurance" shall have the same meaning as defined in RSA 404-G:2, VII.

VI. "Licensed insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B. "Licensed insurer" shall not include the New Hampshire Individual Health Plan Benefit Association.

VII. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases.

126-Q:2 Creation of Association. There is hereby created a nonprofit corporation to be known as the New Hampshire vaccine association. The association is formed to assess insurers for the cost of vaccines provided to certain children in New Hampshire.

126-Q:3 Membership, Powers, and Duties of the New Hampshire Vaccine Association.

I. The New Hampshire vaccine association shall be comprised of all licensed insurers currently writing or maintaining health insurance in New Hampshire.

II. The New Hampshire vaccine association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers of a not-for-profit corporation.

III. The board of directors shall include:

(a) Three representatives selected from the licensed insurers having the most covered lives in New Hampshire.

(b) Two health care provider representatives appointed by the commissioner.

(c) The commissioner of the department of health and human services, who shall serve as an ex-officio member.

(d) The commissioner of the department of insurance who shall serve as an ex-officio member.

IV. The directors' terms and appointments shall be specified in the plan of operation adopted by the New Hampshire vaccine association.

V. The board of directors of the association shall:

(a) Prepare and adopt articles of association and bylaws.

(b) Prepare and adopt a plan of operation.

(c) Submit the plan of operation to the commissioner of insurance for approval after the consultation with the commissioner.

(d) Conduct all activities in accordance with the approved plan of operation.

(e) On an annual basis, no later than November 1 of each year, establish the amount of the assessment.

(f) Enter into contracts as necessary or proper to collect and disburse the assessment.

(g) Enter into contracts as necessary or proper to administer the plan of operation.

(h) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person.

(i) Appoint from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary.

(j) Notify, in writing, each licensed insurer of the insurer's assessment by November 15 of each year.

(k) Submit an annual report to the commissioner of insurance listing those licensed insurers that failed to remit their assessments.

(l) Allow each insurer up to 90 days after the notification required by subparagraph (j) to remit its assessment or submit an assessment payment plan, subject to approval by the association and initial payment under an approved assessment payment plan.

(m) Deposit annual assessments collected by the association less the association's administrative costs with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

(n) Perform any other functions as may be necessary or proper to carry out the plan of operation.

**126-Q:4 Assessment Determination.**

I. The commissioner shall calculate the estimated vaccine cost no later than October 1 of each year.

II. The board shall determine the amount of the potential assessment by multiplying the ratio of the number of New Hampshire resident children with non-public health benefits to the total number of New Hampshire resident children by the estimated vaccine cost. The aggregate amount assessed shall include credits for any surplus assessments from prior years, as well as reasonable costs for administering the assessment.

III. Each licensed insurer shall be assessed in proportion to the number of its covered lives.

**126-Q:5 Powers and Duties.** In addition to the duties and powers enumerated elsewhere in this chapter:

I. The commissioner of insurance shall fine any licensed insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

II. The commissioner and the commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

**126-Q:6 Examinations and Annual Reports.** The board of directors shall submit to the commissioner, no later than 120 days after the close of the association's fiscal year, a financial report in a form approved by the commissioner.

**126-Q:7 Exemption from Taxes.** The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

**126-Q:8 Immunity from Liability.** There shall be no liability on the part of and no cause of action of any nature shall arise against any association member or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the commissioner's representatives, for any action or omission by them in the performance of their powers and duties under this chapter.

**126-Q:9 Severability of Chapter.** If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

**3 Effective Date.** This act shall take effect 30 days after its passage.

### AMENDED ANALYSIS

This bill establishes the New Hampshire vaccine association which shall assess insurers for the cost of vaccines provided to certain children in New Hampshire. Under this bill, these funds are to be used by the commissioner of the department of health and human services to purchase vaccines.

This bill resulted from the study committee established under 2001, 94.

**SB 362**, relative to the membership and duties of the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill reestablishes the New Hampshire Film and Television Commission of the Department of Cultural Resources. Through a glitch in some previous legislation, the commission has actually lapsed. The Department of Travel and Tourism Development is ready to appoint new commission members as soon as this bill is passed. The committee was unanimous that this was an important function that needed to be addressed quickly. Vote 13-0.

**SB 394**, relative to the duties of the advisory committee on international trade. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill adds reporting duties to the advisory committee on international trade. International trade is worth 2 to 3 billion dollars to the economy of New Hampshire, which is an increase of 23% over the last year. Under this bill the committee will report to the Senate Energy and Economic Development Committee, the House Commerce Committee, the Senate President, the Speaker of the House, the Governor and others. Vote 13-0.

**HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees. **REFER FOR INTERIM STUDY**  
 Rep. Michael O'Neil for Executive Departments and Administration: The subcommittee scheduled two work sessions on this bill. There remain considerable questions between the two agencies involved (Department of Revenue Administration and Liquor Commission) that remain unanswered. For example: what will the impact be on changing the licensure cycle to each year as opposed to a current two year term? Also, interest was raised because this bill increases vending machine fees by twenty times. These and other issues were sufficient for the committee to recommend interim study. Vote 14-0.

**HB 1305-FN**, relative to the pollution prevention program. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Maryann N. Blanchard for Finance: The amendment to HB 1305-FN extends a sunset provision to 2010. This program was due to sunset in July 2002. It provides assistance to businesses, towns and schools to reduce hazardous waste using alternative processes or materials. (For example: oil based parts washer to water based parts washer.) The funding to sustain the program and the present two positions was budgeted for FY 2002-2003 from the Hazardous Waste Clean-Up Fund. No general funds are necessary. Vote 20-0.

#### **Amendment (2893h)**

Amend the bill by replacing all after section 2 with the following:

3 Prospective Repeal Date Extended. Amend 1996, 8:10, I to read as follows:

I. Section 9 of this act shall take effect July 1, [2002] **2010**.

4 Repeal. The following are repealed:

I. RSA 147-B:7, V, relative to the authorized use of the hazardous waste cleanup fund.

II. 1996, 8:9, II, relative to the repeal of the pollution prevention program.

5 Effective Date. This act shall take effect June 30, 2002.

#### **AMENDED ANALYSIS**

This bill extends the prospective repeal date of the pollution prevention program to 2010, and allows the use of hazardous waste cleanup funds for the pollution prevention program, and eliminates the \$115,000 cap on the use of those funds.

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill as amended establishes a non-lapsing fund to be used for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement. The fund may receive moneys from state appropriations, federal and other non-state source grants or other funds received for this purpose.

The bill also establishes the position of Local Government Records Manager and sets forth the duties and responsibilities for this position. The amendment removes the appropriation in the original bill, and provides that if non-state appropriated funds are received prior to that date, those funds may be expended for the costs of this new position. Beginning July 1, 2003, this position shall be included in the operating budget of the department of state. Vote 19-0.

#### **Amendment (2886h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a New Hampshire local government records management improvement program and fund.

Amend RSA 5:48 and RSA 5:49 as inserted by section 2 of the bill by replacing them with the following:

5:48 Fund Established.

I. There is hereby established a special fund to be known as the New Hampshire local government records management improvement fund. The fund shall consist of such moneys as may be appropriated or federal and other non-state source grants or funds received for the purposes of this subdivision. The fund shall be managed by the state treasurer, shall be nonlapsing, and shall be continually appropriated for the purposes of this subdivision.

II. Use of the fund shall be used solely for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement as provided under RSA 5:51. Such programs shall be responsible for providing aid, advice, and assistance to local governments concerning the proper management and preservation of the public records in their custody and care, as state law requires. Funds shall be expended to support grants for local government records management improvement, and for administrative and other costs associated with the provision of consultative and technical services, including, but not limited to, education programming, technical publications, website development, and micrographics and digitization services.

5:49 Duties of Local Government Records Manager; Position Established. There is established in the division of records management and archives, department of state, the position of local government records manager who shall be a classified state employee. The local government records manager shall have the following duties:

I. It shall be the responsibility of the local government records manager to advise local governments on planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preservation and use of vital records with enduring value for historical or other research purposes.

II. It shall be the responsibility of the local government records manager to advise the municipal records board concerning local government records policies and procedures, state services and financial support needed to assist or advise local officials, regulations pertaining to local government records, and grants for local government records management improvement pursuant to RSA 5:51.

III. The local government records manager is authorized to employ specialists in records management, archives, and administration, and other specialists necessary to provide advisory, consultative, and technical assistance to local governments from moneys available for this purpose in the fund.

IV. The local government records manager shall provide a quarterly financial statement of the fund to members of the municipal records board and an annual financial and narrative report of the program to the state archivist for incorporation in the annual report of the division of records management and archives submitted to the secretary of state. Each year the municipal records board shall review and make recommendations on a proposed operational and expenditure plan for the fund prior to its adoption by the state archivist. The annual expenditure plan shall be subject to the approval of the secretary of state.

Amend the bill by replacing all after section 4 with the following:

5 Applicability of New Position; Funding. The position of local government records manager established in RSA 5:49 as inserted by section 2 of this act shall not be filled prior to July 1, 2003 unless sufficient moneys are received in the fund established in RSA 5:48 as inserted by section 2 of this act to cover the full cost of filling the position. The use of the local government records management improvement fund for the costs of the new position prior to July 1, 2003 is hereby authorized. Beginning July 1, 2003, the local government records manager position shall be included in the operating budget of the department of state.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a New Hampshire local government records management improvement program in the department of state. The bill also establishes a fund to provide grants to local governments for the purpose of records management.

**SB 413**, establishing a committee to study background checks for nursing home employees. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a committee to study whether background checks for nursing home employees are necessary and should be conducted or implemented. Vote 13-0.

**SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. **OUGHT TO PASS**



Rep. Alf E. Jacobson for Judiciary: This bill extends the reporting from the original date November 1, 2001 to November 1, 2002 for the commission to study the state's increasing appellate caseload. Vote 11-2.

**SB 383**, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: After an extensive hearing on this bill and discussion by the committee, we felt that the bill in its present form could not be recommended to the House for passage. However, we did not want to recommend the bill as inexpedient to legislate because we felt that there were some significant issues that warranted further study by the committee. The reason we were unable to pass the legislation is that it is a significant departure from the current mechanisms for siting district courts in the state of New Hampshire. After an exhaustive study in 1991 created by Chapter Law 288, the legislature came up with a court consolidation plan which can be found in RSA 501-A (the results of SB 452 of 1992). Within this law, the legislature has designated which town(s) shall host the district courthouse. This legislation proposes to allow the Office of Administrative Services determine which town within the district the court will be located. The bill also states that there will be a district courthouse in each district. The committee was unable to reconcile this statement with the current plan because some districts have more than one court facility/satellite courts, and it was unclear that if we pass this legislation we would be eliminating some district court facilities inadvertently. Since we are in the second year of a biennium, and want to give our full attention to the concept of how district courts should be sited, we felt it would be best to study this legislation and its impacts over the summer. We would then be able to come back next year with a comprehensive understanding of the impact such a transfer of responsibilities would have on the citizens of our state. Vote 14-0.

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The committee, recognizing the importance of September 11, 2001, and the tragic results, voted that it is appropriate to commemorate victims of terrorism and their families, especially those New Hampshire citizens who lost their lives. The committee will consist of three members of the House, three members of the Senate, the Commissioner of Cultural Resources and the Commissioner of Administrative Services. The committee will select the design and location of the memorial subject to the approval of the Long Range Capital Planning and Utilization Committee. The committee will also advise and inform the governing body of the city or town in which the memorial is located as to its design and construction plans. The memorial will be privately funded. Vote 13-0.

#### **Amendment (2944h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Powers of the Governor and Council; September 11 Memorial. Amend RSA 4 by inserting after section 9-d the following new sections:

4:9-e September 11 Memorial.

I. There shall be a memorial to commemorate the victims and families of the September 11 tragedy especially New Hampshire citizens who lost their lives, and to commemorate other victims of terrorism. The governor is authorized to accept in the name of the state the September 11 memorial as a private gift upon its completion.

II.(a) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall act as the custodian of the September 11 memorial, and shall have charge of all matters relating to the care, maintenance, repair, and additions to the memorial.

(b) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall administer and disburse to the committee established in RSA 4:9-f the moneys in the special account established under RSA 4:9-f. No money other than necessary expenses prior to construction shall be disbursed until the governor and council approve and award the contract for the construction of the September 11 memorial.

4:9-f Committee Established; Special Account.

I. A committee is established to select the location and design for a September 11 memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The selection of the location and design of the memorial shall be subject to the approval of the long range capital planning and utilization committee established in RSA 17-M:1. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

II. The gifts of money which are donated to construct the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the September 11 memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee.

III. The committee shall remain in existence upon the completion of the September 11 memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial. Any site changes in the memorial shall be made under the supervision of the director of the division of plant and property management, according to the provisions of RSA 4:9-e, II.

#### 4:9-g Committee Membership.

I. The members of the committee established in RSA 4:9-f shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of cultural resources, or designee.

(d) The commissioner of administrative services, or designee.

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. Ten members of the committee shall constitute a quorum.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4:9-h Duties of the Committee. The duties of the committee established in RSA 4:9-f shall be as follows:

I. The committee shall select the design and location, subject to the approval of the long range capital planning and utilization committee established in RSA 17-M:1, for the September 11 memorial.

II.(a) The committee shall oversee the construction of the September 11 memorial.

(b) The award of the contract for the construction of the September 11 memorial shall be subject to the approval of the governor and council.

III. The committee shall advise and inform the governing body of the city or town in which the memorial is located as to the design and construction plans for the memorial.

IV. The committee shall privately raise all the money necessary for the planning, design, and construction of the September 11 memorial. Notwithstanding subparagraph II(b), the committee shall have the authority to expend the money which is raised without the approval of governor and council.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to design and construct a memorial to the victims of the September 11 tragedy and to other victims of terrorism. The bill requires that the location and design of the memorial shall be subject to the approval of the long range capital planning and utilization committee. The bill also establishes a special non-lapsing account in the state treasury for the purpose of the September 11 memorial.

**SB 328**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill sets up a committee to study the problems that New Hampshire is having with establishing a permit system for out of state vessels using NH lakes. This is a continuation of a past study committee. Vote 11-1.

**SB 405**, relative to special number plates for veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill is a clarification to the veterans plate legislation that will allow the Director of Motor Vehicles to accept any honorable discharge papers from the different branches of the armed services. Vote 12-0.

**Amendment (2824h)**

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing it with the following:

261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only upon application, ~~[and] proof of honorable discharge from the armed services as deemed appropriate by the director, [as evidenced by submission of a copy of the applicant's DD214 verification of service form,]~~ and ~~[upon]~~ payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran.

**AMENDED ANALYSIS**

This bill requires that the proof of honorable discharge required for issuance of special number plates for veterans be deemed appropriate by the director of the division of motor vehicles.

**REGULAR CALENDAR****HB 1483, relative to filling vacancies occurring on school boards. OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: In its original form, HB 1483 would have dictated in state law how cities and towns must fill vacancies on school boards. The bill would have rejected language in city charters across the state that was in conflict with the legislation. The committee felt the bill would have created more problems than it solved. In fact, there was so little support for the bill that one amendment was withdrawn and another failed for lack of a second. Rather than simply recommend "ITL", however, the committee adopted an amendment to address a different aspect of how we vote on school issues. After a separate public hearing as required by House Rules, the committee adopted an amendment clarifying that voters who wish to apply the provisions of the Municipal Budget Act to their local schools must place a warrant on the school ballot, rather than on the town ballot as is stated in present law. The committee felt that this change would help assure that voters were more fully informed as to how their vote would affect their schools. Consistent with current law, only one budget committee would be formed, which would cover the town and/or local school. All towns and all school districts currently subject to the Municipal Budget Act would continue to be covered by it unless the citizens vote to withdraw in a manner consistent with current law. Vote 9-4.

**Amendment (2943h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to municipal budget committees.

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Budget Law; Application; Budget Committee; School Districts. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in ~~[school districts or]~~ village districts located wholly within towns adopting that subdivision.

2 Municipal Budget Law; Budget Committee; Adoption; School District or Village District. Amend RSA 32:14, I(d) to read as follows:

(d) By any school district or village district which adopts its budget at an annual meeting of its voters~~[, but which lies wholly within a municipality that lacks authority to adopt this subdivision].~~

3 Municipal Budget Law; Budget Committee Membership; School Board Members. Amend RSA 32:15, I(b) to read as follows:

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district *which has adopted the provisions of this*

*subdivision and which is* wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

4 Municipal Budget Law; Budget Committee; Duties, Authority, and Limitations; School Districts. Amend RSA 32:16 through 32:18-a to read as follows:

32:16 Duties and Authority of the Budget Committee. In any town *or school district* which has adopted the provisions of this subdivision, the budget committee shall have the following duties and responsibilities:

I. To prepare the budget as provided in RSA 32:5 for submission to each annual or special meeting of the voters of the municipality *or school district*, and, if the municipality is a town, the budgets of any school district *to which this subdivision applies* or village district wholly within the town, unless the warrant for such meeting does not propose any appropriation.

II. To confer with the governing body or bodies and with other officers, department heads, and other officials, relative to estimated costs, revenues anticipated, and services performed to the extent deemed necessary by the budget committee. It shall be the duty of all such officers and other persons to furnish such pertinent information to the budget committee.

III. To conduct the public hearings required under RSA 32:5, 1.

IV. To forward copies of the final budgets to the clerk or clerks, as required by RSA 32:5, VI, and, in addition, to deliver 2 copies of such budgets and recommendations upon special warrant articles to the respective governing body or bodies at least 20 days before the date set for the annual or special meeting, to be posted with the warrant.

32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities *or school districts* adopting this subdivision, or of *village* districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such time as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.

32:18 Limitation of Appropriations. In any municipality *or school district* electing this subdivision, or any *village* district wholly within a town electing this subdivision, the total amount appropriated at any annual meeting shall not exceed by more than 10 percent the total amount recommended by the budget committee for such meeting. These totals shall include appropriations contained in special warrant articles. Money may be raised and appropriated for purposes included in the budget or in the warrant and not recommended by the budget committee, but not to an amount which would increase the total appropriations by more than the 10 percent allowed under this paragraph. The 10 percent increase allowable under this paragraph shall be computed on the total amount recommended by the budget committee less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

I. Bonds, and all interest and principal payments thereon.

II. Notes, except tax anticipation notes, and all interest and principal payments thereon.

III. Mandatory assessments imposed on towns by the county, state, or federal governments.

32:18-a Legislative Body Override of Limitation of Appropriations.

I. Notwithstanding any other provision of law, in any municipality *or school district* electing this subdivision, or any *village* district wholly within a town electing this subdivision, if a bond request is not recommended in its entirety by the budget committee, the governing body of such municipality *or school district*, after a majority vote by the governing body of the municipality *or school district* in favor of the bond request at a duly posted meeting, shall place the bond request on the warrant.

II. The legislative body of any municipality *or school district* described in RSA 32:18-a, I, may approve a bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:

(a) The governing body shall place the following statement at the beginning of the warrant article for such bond request: "Passage of this article shall override the 10 percent limitation im-

posed on this appropriation due to the non-recommendation of the budget committee.' Immediately below the bond request on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.

(b) If those voting "Yes" on the bond request satisfy the requirements of RSA 33:8, the bond request is thereby approved.

III. If the bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality *or school district* shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

5 Municipal Budget Law; Budget Committee; At Special Meetings; School District. Amend RSA 32:20 to read as follows:

32:20 At Special Meetings. So long as the provisions of this subdivision remain in force in any municipality *or school district*, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 or 32:18-a.

6 Municipal Budget Law; Budget Committee; Exceptions; Village District. Amend RSA 32:21 to read as follows:

32:21 Exceptions. In cases where the town or a *village* district wholly within the town has been ordered by the department of environmental services, under the provisions of RSA 147, 485, or 485-A, to install, enlarge, or improve waterworks or to install, enlarge, or improve sewerage, sewage, or waste treatment facilities, the 10 percent limitation of RSA 32:18 and 20, shall not apply.

7 Municipal Budget Law; Budget Committee; Initiation of Removal Proceedings; School District. Amend RSA 32:23 to read as follows:

32:23 Initiation of Removal Proceedings. Upon receipt of the reports provided for by RSA 32:22, the budget committee shall examine the same promptly, and if it shall be found that the governing body or town manager have failed to comply with the provisions of this chapter concerning expenditures, a majority of the committee, at the expense of the municipality *or school district*, may petition the superior court for removal as provided in RSA 32:12.

8 Applicability. The provisions of RSA 32:14-23 shall continue to apply to school districts to which the provisions of RSA 32:14-23 applied prior to the effective date of this act by virtue of their being wholly within a town adopting the provisions of RSA 32:14-23. Any such school district may rescind the applicability of the provisions of RSA 32:14-23 pursuant to RSA 32:14.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill eliminates the automatic applicability of the municipal budget committee laws to school districts located wholly within towns adopting those provisions.

Adopted.

Rep. Sova spoke against.

Rep. Foster spoke in favor.

Rep. Henderson spoke in favor and yielded to questions.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

#### YEAS 181 NAYS 157

##### YEAS 181 BELKNAP

Bartlett, Gordon	Czech, Stanley	Nedeau, Stephen	Rice, Thomas Jr
Russell, David	Thomas, John		

##### CARROLL

Babson, David Jr	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley		

##### CHESHIRE

Allen, Peter	Avery, Stephen	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Fairbanks, Chandler	Manning, Joseph	Mitchell, McKim
Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell	Zerba, Roger

**COOS**

Bradley, Paula  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Scanlan, David

Barker, Robert  
Naro, Debra  
Scovner, Nancy

Benn, Bernard  
Nordgren, Sharon  
Sokol, Hilda

Cooney, Mary  
Pawlek, Marion  
Ward, Brien

**HILLSBOROUGH**

Andosca, Mary  
Calawa, Leon Jr  
Coughlin, Pamela  
Foster, Linda  
Gorman, Mary  
Holden, Randolph  
Konys, Christine  
Leach, Edward  
Martin, Mary Ellen  
Mosesian, Lori  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

Balcom, John  
Carlson, Donald  
Craig, James  
Ginsburg, Ruth  
Guinta, Frank  
Jean, Claudette  
L'Heureux, Robert  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Rowe, Robert  
Sullivan, Peter

Baroody, Benjamin  
Clayton, William  
Desrosiers, William  
Goley, Jeffrey  
Hall, Betty  
Johnson, Lionel  
LaRose, Richard  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sargent, Maxwell  
Sweeney, Cynthia

Buckley, Raymond  
Cote, Peter  
Emerton, Lawrence Sr  
Gonzalez, Carlos  
Herman, Keith  
Kacavas, John  
Lasky, Bette  
Lessard, Rudy  
Moran, Edward  
Peterson, Andrew  
Schulze, Joan  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Hess, David  
Leber, William  
Potter, Frances  
Seldin, Gloria

Bouchard, Candace  
French, Barbara  
Hutchinson, John  
Mackay, James  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Gile, Mary  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth  
Whalley, Michael

Colcord, J D  
Greco, Vincent  
L'Heureux, Stephen  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, Corey  
Flanders, John Sr  
Johnson, Rogers  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Saia, Pamela  
Stritch, C Donald

Belanger, Ronald  
Clark, Martha Fuller  
Cox, Russell  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Coes, Betsy  
Fesh, Bob  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
O'Keefe, Patricia  
Pitts, Jacqueline  
Sloan, Stephen  
Welch, David

Boynton, James  
Cooney, Richard  
Flanagan, Natalie  
Henderson, Warren  
Katsakiores, Phyllis  
McGuire, Robert  
O'Neil, Michael  
Ruffner, Walter  
Splaine, James  
Zolla, William

**STRAFFORD**

Brennan, William  
Ferland, Paul  
Kaen, Naida  
Tsiros, William

Cossette, Larry  
Goodwin, Earle  
Musler, George  
Wall, Janet

DeChane, Marlene  
Grassie, Anne  
Smith, Marjorie  
Woodill, Rodney

Estabrook, Iris  
Hughes, Christopher  
Spang, Judith

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Franklin, Peter  
Robb, Amy

Cloutier, John  
Harris, Joseph  
Rodeschin, Beverly

Ferland, Brenda  
Harris, Sandra

**NAYS 157****BELKNAP**

Boyce, Laurie  
Millham, Alida  
Wendelboe, Fran

Flanders, Donald  
Pilliod, James

Holbrook, Robert  
Rosen, Ralph

Lawton, David  
Salatiello, Thomas

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Batchelder, Robert	Edwards, Dana	Emerson, Susan	Liebl, George
McGuirk, Paul	Meader, David	Pratt, John	Smith, Edwin

**COOS**

Gallus, John	Pratt, Leighton	Rozek, Michael
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Marshall, Gene	Mirski, Paul	Sova, Charles	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Elliott, Larry	Fields, Dennis	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Goulet, Maurice
Graham, John	Greenberg, Gary	Haley, Robert	Hall, Charles
Hopper, Gary	Jean, Loren	Keye, Harvey	Kurk, Neal
LaFlamme, Paul	Martel, Andre	McHugh, Claire	Mercer, Robert
Messier, Irene	Milligan, Robert	Murphy, Robert	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Salts, Greg	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Tate, Joan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

**MERRIMACK**

Clarke, Claire	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Kennedy, Richard	Lockwood, Priscilla	Maxfield, Roy
Perkins, Randy	Soltani, Tony	Swindlehurst, John	Winter, Steven

**ROCKINGHAM**

Bishop, Franklin	Bowles, Raimond	Cam, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Dumaine, Dudley	Francoeur, Sheila	Gilbert, Karl
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Kobel, Rudolph	Langone, John	Letourneau, Robert
Micklon, Stephanie	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Sapareto, Frank	Stone, Joseph
Varrell, Thomas	Weyler, Kenneth	Whittier, John	

**STRAFFORD**

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Dunlap, Patricia	Harrington, Michael	Heon, Richard
Johnson, Nancy	Knowles, William	McCarthy, Gerald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Twombly, James	Woods, Phyllis

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob
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and the committee report was adopted.  
Ordered to third reading.

**SB 1, apportioning state senate districts. OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: SB 1 is the Senate proposal for redistricting state senate districts. The NH Constitution requires that “the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place.” The overall state population has increased dramatically since the last federal census. The average population requirement for each of the 24 senate districts increased from 46,219 to 51,491. Additionally population grew in the southern part of the state, decreased in the northern part of the state and decreased in many of the state’s cities. So, given the population increase and shift, any redistricting plan would of necessity be significantly different from the current plan. The Committee heard testimony that a specific set of criteria was adopted by the Senate Redistricting Committee in order to ensure that the final proposed plan meets constitutional mandates and provides for fair representation for the citizens of the state. There is no one characteristic that makes a plan more perfect than another plan, including lower deviation. Although this plan represents the lowest average deviation and range of deviation than the 1980 and 1990 plans, the plan that has the lowest deviation isn’t necessarily the best plan because additional requirements must be taken into account. It appears that many of the proposed plans meet the proposed criteria. It is also clear that many of the proposed plans meet constitutional requirements. It is inevitable that there are going to be new districts in every plan that some member does not like and that change is difficult. The Committee believes that the Senate created redistricting plan proposed in SB 1 clearly meets constitutional requirements and should be adopted. Vote 10-5.

Rep. Mirski moved Recommit to committee and spoke in favor.

Reps. Arndt and Clegg spoke against.

Reps. Marshall Quandt and Spiess spoke in favor.

Rep. Scanlan spoke against and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently answered.

The question being adoption of the motion to Recommit.

**YEAS 155 NAYS 189**

**YEAS 155  
BELKNAP**

Rosen, Ralph                      Salatiello, Thomas

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Zerba, Roger	

**COOS**

Bradley, Paula                      Landers, Dana                      Rodrigue, Robert

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Mirski, Paul	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Sova, Charles

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Christiansen, Lars	Clayton, William	Cote, Peter	Craig, James
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Hopper, Gary	Jean, Claudette



Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
Vaillancourt, Steve

Kacavas, John  
LaFlamme, Paul  
Lynde, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Spiess, Paul

Keye, Harvey  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Salts, Greg  
Sullivan, Peter

Konys, Christine  
Lefebvre, Roland  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
French, Barbara  
Moore, Carol  
Reardon, Tara  
Soltani, Tony

Clarke, Claire  
Gile, Mary  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Daneault, Gabriel  
Greco, Vincent  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Downing, Michael  
McGuire, Robert  
Pantelakos, Laura  
Quandt, Marshall  
Shultis, Elizabeth

Clark, Martha Fuller  
Kane, Cecelia  
Micklon, Stephanie  
Pitts, Jacqueline  
Quandt, Matthew  
Splaine, James

Clark, Vivian  
Kobel, Rudolph  
Norelli, Terie  
Power, Lucille  
Robertson, Carl  
Weatherspoon, Jacquelyne

Coes, Betsy  
Langley, Jane  
O'Keefe, Patricia  
Putnam, Ed II  
Sapareto, Frank  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Rollo, Michael  
Tsiros, William

Berube, Roger  
DeChane, Marlene  
Goodwin, Earle  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Dunlap, Patricia  
Grassie, Anne  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Harrington, Michael  
Kaen, Naida  
Proulx, Raymond  
Taylor, Kathleen  
Woods, Phyllis

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

### NAYS 189

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rice, Thomas Jr

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Liebl, George

Edwards, Dana  
Manning, Joseph

Emerson, Susan  
Royce, H Charles

### COOS

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Teschner, Douglass

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Eaton, Richard  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
Lessard, Rudy  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Elliott, Larry  
Gargaszy, Carolyn  
Goulet, Maurice  
Hall, Charles  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Seibel, Christopher  
Thulander, O Alan

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Gleneck, David  
Graham, John  
Herman, Keith  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dyer, Merton  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Leach, Edward  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
White, Donald

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy

Colcord, J D  
Hess, David  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
Lockwood, Priscilla  
Whalley, Michael

Feuerstein, Martin  
Kennedy, Richard  
MacKay, James  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Boynnton, James  
Chalbeck, Kevin  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Bridle, Russell  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Stone, Joseph  
Whittier, John

Bishop, Franklin  
Camm, Kevin  
Corbin, Corey  
Dumaine, Dudley  
Francoeur, Sheila  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Ruffner, Walter  
Stritch, C Donald  
Zolla, William

Bowles, Raimond  
Carson, Sharon  
Cox, Russell  
Fesh, Bob  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Saia, Pamela  
Varrell, Thomas

**STRAFFORD**

Brown, Julie  
Twombly, James

Cossette, Larry

Musler, George

Reid, Christopher

**SULLIVAN**

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

and the motion to Recommit failed.

Reps. Weyler and Marshall Quandt spoke against.

Reps. Stritch, Clegg and Mirski spoke in favor.

Reps. Soltani and Jacobson spoke against and yielded to questions.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

**YEAS 203 NAYS 146****YEAS 203  
BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Piilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rice, Thomas Jr

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler

Dexter, Judson  
Liebl, George

Edwards, Dana  
Royce, H Charles

Emerson, Susan  
Smith, Edwin

**COOS**

Gallus, John  
Rozeck, Michael

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaRose, Richard  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
White, Donald

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Eaton, Richard  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Souza, Kathleen  
Thulander, O Alan

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Elliott, Larry  
Gargasch, Carolyn  
Goulet, Maurice  
Hall, Charles  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Gleneck, David  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Colcord, J D  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy

Cummings, Raymond  
Hess, David  
Leber, William  
Swindlehurst, John

Feuerstein, Martin  
Hutchinson, John  
Lockwood, Priscilla  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Boynnton, James

Belanger, Ronald  
Bridle, Russell

Bishop, Franklin  
Camm, Kevin

Bowles, Raimond  
Carson, Sharon

Chalbeck, Kevin  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Sloan, Stephen  
Welch, David

Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Ruffner, Walter  
Stone, Joseph  
Whittier, John

Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

Corbin, Corey  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Sapareto, Frank  
Varrell, Thomas

## STRAFFORD

Bickford, David  
Musler, George

Brown, Julie  
Reid, Christopher

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

## SULLIVAN

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

## NAYS 146

## BELKNAP

Rosen, Ralph

Salatiello, Thomas

## CARROLL

Babson, David Jr

## CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Slack, Pamela Russell

Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

## COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

## GRAFTON

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Craig, James  
Ginsburg, Ruth  
Hall, Betty  
Kacavas, John  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Schulze, Joan  
Sweeney, Cynthia

Baroody, Benjamin  
Christiansen, Lars  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Hopper, Gary  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Seibel, Christopher

Bergeron, Jean-Guy  
Clayton, William  
Dwyer, Paul  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara

Bergin, Peter  
Cote, Peter  
Foster, Linda  
Haley, Robert  
Johnson, Lionel  
LaFlamme, Paul  
Lynde, Harold  
Movsesian, Lori  
Salts, Greg  
Sullivan, Peter

## MERRIMACK

Bouchard, Candace  
Daneault, Gabriel

Brewster, Richard  
Davis, Frank

Burney, Carol  
French, Barbara

Clarke, Claire  
Gile, Mary

Greco, Vincent  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Moore, Carol  
Reardon, Tara  
Soltani, Tony

Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Kane, Cecelia  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth

Clark, Martha Fuller  
Kobel, Rudolph  
Norelli, Terie  
Quandt, Marshall  
Splaine, James

Coes, Betsy  
Langley, Jane  
O'Keefe, Patricia  
Quandt, Matthew  
Weatherspoon, Jacquelyne

Downing, Michael  
McGuire, Robert  
Pantelakos, Laura  
Robertson, Carl  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Berube, Roger  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Taylor, Kathleen

Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Rollo, Michael  
Tsiros, William

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the report was adopted.  
Ordered to third reading.

### SB 3, apportioning congressional districts. OUGHT TO PASS

Rep. Robert E. Clegg, Jr. for Election Law: SB 3 is the Senate proposal for redistricting the congressional districts. With the increased population in the state, each congressional district should have a population of 617,893. The lines were redrawn to meet the new population requirements, criteria adopted by the Senate, and constitutional requirements. There was no testimony in opposition to SB 3. Vote 13-2.

Report adopted.

Ordered to third reading.

Rep. Jeb Bradley declared a conflict of interest and did not participate.

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor. **OUGHT TO PASS**

Rep. John S. Cobb for Environment and Agriculture: The bill presented to the committee would extend the date for transfer of funds from the motor oil discharge cleanup fund to the oil pollution control fund. It will also establish new full time temporary positions for conducting compliance inspections and processing claims. Vote 13-1.

Report adopted and ordered to third reading.

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rogers J. Johnson for Finance: This bill requires the Judicial Conduct Commission to review every judge once every seven years, and it establishes the process to accomplish this goal. The amendment changes the date the reviews are to start to January 1, 2004. The amendment also requires additional support for the Commission from the Department of Administrative Services and the State Library. The Commission is further empowered to come before the Fiscal Committee for legal expenses. Finally, the lapse date in the Commission's current appropriation is changed to the end of the current biennium, rather than annually. Vote 14-6.

**Amendment (2953h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the judicial conduct commission and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 New Sections; Administrative Support; Legal Costs. Amend RSA 494-A by inserting after section 17 the following new sections:

494-A:18 Administrative Support. Notwithstanding RSA 494-A:1, upon request of the commission, the department of administrative services shall assist the commission in matters related to personnel and benefits administration, purchasing, telecommunications, financial data management, and property management. Upon request of the commission, the state library shall assist the commission in development and maintenance of a web page on the official state website.

494-A:19 Legal Costs. With the approval of the joint legislative fiscal committee, the commission may employ counsel, attorneys, and other assistants, in case of reasonable necessity, and may pay them reasonable compensation. The governor is authorized to draw a warrant for the costs of such compensation out of any money in the treasury not otherwise appropriated.

4 Appropriation Made Non-lapsing. Amend 2001, 267:8 to read as follows:

267:8 Appropriation. The sum of [~~\$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year~~] **\$375,000 for the biennium** ending June 30, 2003 [~~are~~] **is** hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said [~~sums~~] **sum** out of any moneys in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2004.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires each judge to be reviewed by the judicial conduct commission every 7 years.

The bill authorizes the department of administrative services and the state library to assist the judicial conduct commission in certain areas. The bill permits the commission, with the approval of the legislative fiscal committee, to employ counsel, attorneys, and other assistants, in case of reasonable necessity, and makes a continual appropriation for such purpose.

The bill also makes an appropriation to the judicial conduct commission for the 2002 fiscal year non-lapsing.

Adopted.

Rep. Espieles spoke against and yielded to questions.

Rep. Rogers Johnson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 219 NAYS 112****YEAS 219****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr  
Thomas, John

Boyce, Laurie  
Lawton, David  
Rosen, Ralph  
Wendelboe, Fran

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Salatiello, Thomas

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Liebl, George

Edwards, Dana  
Manning, Joseph

Emerson, Susan  
Pratt, John

**COOS**

Davis, Perley  
Rozek, Michael

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Coughlin, Pamela  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Jean, Claudette  
LaFlamme, Paul  
Martel, Andre  
Messier, Irene  
Palangas, Eric  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan  
White, Donald

Alukonis, David  
Baroody, Benjamin  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Desrosiers, William  
Elliott, Larry  
Foster, Linda  
Gleneck, David  
Graham, John  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Martin, Mary Ellen  
Milligan, Robert  
Panagopoulos, Nicholas  
Rowe, Robert  
Sullivan, Peter  
Thulander, O Alan

Andosca, Mary  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Lasky, Bette  
McRae, Karen  
Moran, Edward  
Pappas, Marc  
Salts, Greg  
Sweeney, Cynthia  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
MacKay, James

Fraser, Leo Jr  
Kennedy, Richard  
Swindlehurst, John

Greco, Vincent  
L'Heureux, Stephen  
Whalley, Michael

Hess, David  
Leber, William  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Chalbeck, Kevin  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Hill, Jonathan  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Bridle, Russell  
Clark, Martha Fuller  
Dalrymple, Janeen  
Dumaine, Dudley  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Camm, Kevin  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Bob  
Hamel, Albert  
Introne, Robert  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

Bowles, Raimond  
Carson, Sharon  
Corbin, Corey  
Dowling, Patricia  
Flanagan, Natalie  
Henderson, Warren  
Johnson, Rogers  
Langley, Jane  
McGuire, Robert  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Gilmore, Gary  
Hughes, Christopher  
Smith, Marjorie

Bickford, David  
Grassie, Anne  
McCarthy, Gerald  
Twombly, James

Cossette, Larry  
Harrington, Michael  
Reid, Christopher  
Wall, Janet

Ferland, Paul  
Heon, Richard  
Rollo, Michael  
Woods, Phyllis

**SULLIVAN**

Cloutier, John  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

**NAYS 112  
BELKNAP**

Pilliod, James

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Zerba, Roger

Batchelder, Robert  
Meader, David

Burnham, Daniel  
Mitchell, McKim

Espiefs, Peter  
Richardson, Barbara

**COOS**

Bradley, Paula

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Williams, Burton

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Bergin, Peter  
Drabinowicz, A Theresa  
Gorman, Mary  
Keye, Harvey  
Leishman, Peter  
Movsesian, Lori  
Spiess, Paul

Clayton, William  
Dwyer, Paul  
Hall, Betty  
Konys, Christine  
Lynde, Harold  
Murphy, Robert

Craig, James  
Eaton, Richard  
Johnson, Lionel  
Leach, Edward  
McDonough-Wallace, Alice  
Peterson, Andrew

Dokmo, Cynthia  
Goley, Jeffrey  
Kacavas, John  
Lefebvre, Roland  
Melcher, Harold  
Schulze, Joan

**MERRIMACK**

Bouchard, Candace  
Colcord, J D  
Feuerstein, Martin  
Jacobson, Alf  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

Brewster, Richard  
Cummings, Raymond  
French, Barbara  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

Burney, Carol  
Daneault, Gabriel  
Gile, Mary  
Maxfield, Roy  
Potter, Frances  
Soltani, Tony

Clarke, Claire  
Davis, Frank  
Hager, Elizabeth  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Johnson, Robert  
Pantelakos, Laura  
Shultis, Elizabeth

Cooney, Richard  
Kane, Cecelia  
Pitts, Jacqueline  
Splaine, James

Gilbert, Karl  
Kelley, Jane  
Quandt, Marshall  
Weatherspoon, Jacquelyne

Holland, James Jr  
Norelli, Terie  
Quandt, Matthew  
Zolla, William

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Spang, Judith

Brennan, William  
Estabrook, Iris  
Knowles, William  
Taylor, Kathleen

Brown, Julie  
Goodwin, Earle  
Pelletier, Arthur  
Tsiros, William

DeChane, Marlene  
Johnson, Nancy  
Proulx, Raymond  
Woodill, Rodney

**SULLIVAN**

Allison, David  
Phinizy, James

Ferland, Brenda  
Robb, Amy

Harris, Joseph

Harris, Sandra

and the report was adopted.

Ordered to third reading.

Reps. Burling, John Flanders and Royce declared a conflict of interest and did not participate.



**HB 1102**, establishing a hazardous waste coordinator certificate program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill as amended establishes a hazardous waste coordinator certification program and makes a supplemental one-time \$40,625 appropriation from the existing hazardous waste fund. No general funds required. The amendment makes technical corrections, grammatical changes and reallocates funds to match the program's need and adjusts start-up dates to allow for program development prior to full implementation. Vote 20-0.

**Amendment (2883h)**

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5 by inserting after paragraph II the following new paragraph:

III.(a) Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements.

(b) Each application for initial or renewal of a hazardous waste coordinators certification shall be accompanied by a non-refundable fee of \$125 per year to cover department expenses for conducting the certification program.

Amend the bill by replacing all after section 4 with the following:

5 Supplemental Appropriation to the Department of Environmental Services. Amend 2001, 130:1, 03, 04, 04, 01, 01 for fiscal year 2003 to read as follows:

03 RESOURCE PROTECT' N & DEVELOP' T

04 DEPT OF ENVIRONMENTAL SERVICES

04 DIVISION OF WASTE MANAGEMENT

01 HAZARDOUS WASTE PROGRAMS

01 HAZARDOUS WASTE CLEANUP FUND

FY 2003

10 PERSONAL SERVICES – PERMANENT	[1,160,459]	<b>1,199,069</b>
18 OVERTIME	[68,074]	<b>69,074</b>
20 CURRENT EXPENSES	[72,002]	<b>82,002</b>
22 RENT & LEASES OTHER THAN STATE	8,000	
24 MAINT. OTHER THAN BUILD. & GRNDS	10,800	
28 TRANSFERS TO GENERAL SERVICES D	[61,001]	<b>63,401</b>
30 EQUIPMENT NEW/REPLACEMENT	[33,000]	<b>36,000</b>
49 TRANSFERS TO OTHER STATE AGENCS D	[240,854]	<b>241,854</b>
50 PERSONAL SERVICE – TEMP/APPOINTE	27,659	
51 CONSULTANTS-BENEFITED	1,052	
59 PART –TIME – BENEFITED	346,059	
60 BENEFITS	[506,066]	<b>518,421</b>
70 IN-STATE TRAVEL	[15,000]	<b>16,000</b>
80 OUT-OF STATE TRAVEL	[20,000]	<b>21,500</b>
90 HHW COLLECTION	250,000	
91 REMEDIAL ACTION	10,000	
92 CONTRACTS	100,000	
93 USED OIL GRANTS	100,000	
94 TUITION	7,000	
<b>95 TECH ASSIST HW COORD</b>		<b>10,385</b>
96 MEDICAL MONITORING	12,100	
97 DISPOSAL – TAINTED OIL	10,000	
<b>TOTAL</b>	<b>[3,059,125]</b>	<b>3,140,376</b>

ESTIMATED SOURCE OF FUNDS FOR  
HAZARDOUS WASTE CLEANUP FUND

03 REVOLVING FUNDS	I	[3,059,125]	3,140,376
TOTAL		[3,059,126]	3,140,376

THE FUNDS IN THESE APPROPRIATIONS SHALL NOT BE  
TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE

6 New Position. The department of environmental services is authorized to establish one waste management specialist IV, salary grade 26.

7 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect July 1, 2002.

Adopted.

Report adopted and ordered to third reading.

**HB 1464-FN, prohibiting human cloning in New Hampshire. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alida I. Millham for the Majority of Health, Human Services and Elderly Affairs: Human cloning is an important issue for all of us to consider. The majority of the committee agrees, but felt HB 1464-FN is not a response that would offer an adequate policy statement for New Hampshire at this time. The whole committee expressed opposition to cloning for the purpose of producing a human live birth, but the majority of the committee felt the bill went too far in restricting/preventing research. The possibility of a study committee was discussed. The majority agreed that human cloning, (including definitions and determining where the issue of cloning begins) is a complex subject and requires work and understanding that goes beyond the capability of a legislative interim study. There was no evidence presented to the committee that any New Hampshire organization has cloned or is planning to clone for reproduction. Nor was there evidence presented that any other organization in this country has produced anything beyond several cell divisions. The debate surrounds the difference between appropriate valid, ethical medical research and cloning for reproduction. HB 1464, as written, would not allow any research on any human cells that may be considered "cloned". We are on the frontier of many aspects of biotechnology research. It is important that any legislation defining the parameters of that research be carefully crafted to include the kinds of research that can be supported ethically and prevent those activities that cannot be supported. Therefore, the majority of the Health and Human Services and Elderly Affairs Committee recommends Inexpedient to Legislate. Vote 10-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This legislation is not intended to prevent stem cell research, tissue regeneration or grafting. This bill would prohibit a research firm from producing human embryo clones. All clones so produced whether for "reproductive cloning" or "therapeutic cloning" always result in the destruction of human beings at the embryonic stage of life when their stem cells are harvested. While the abortion issue tends to be mixed into this debate, it should be noted that the termination of an unintended pregnancy is far different from the purposeful creation of a human embryo with the clear intention of killing it after or during harvest. The Council for Responsible Genetics stated, "we are an organization who unequivocally support a woman's right to make her own reproductive decisions... Our organization's position against technologies that manipulate, clone, and genetically alter human embryos does not derive from any notion of the sanctity of the embryo, nor from attributing to its status of a human being." Their concern centers on the over-hyping of another scientifically questionable biotechnology driven by investor's hopes and will inevitably lead to calls to extend the lifespan of clonal embryos so as to permit harvesting developmentally more advanced embryos up to demands to use full-term clones from which to harvest organs. The prospect of creating new human life solely to be exploited (reproductive cloning) or destroyed (therapeutic cloning) in these ways is wrong to many on moral grounds and thought to display a profound disrespect for life. This is a slippery slope that our state should not embark on.

Reps. Souza and Mirski spoke against.

Reps. Millham and Sandra Harris spoke in favor.

Rep. Gonzalez spoke against and yielded to a question.

Rep. Corbin spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 233 NAYS 100****YEAS 233****BELKNAP**

Czech, Stanley  
Nedeau, Stephen  
Russell, David

Flanders, Donald  
Pilliod, James  
Salatiello, Thomas

Holbrook, Robert  
Rice, Thomas Jr  
Thomas, John

Millham, Alida  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Quimby, Lee

Bradley, Jeb  
Sullivan, P Judith

Mock, Henry

Patten, Betsey

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Avery, Stephen  
Emerson, Susan  
Meador, David  
Royce, H Charles

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Liebl, George  
Pratt, John  
Smith, Edwin

**COOS**

Bradley, Paula  
Landers, Dana  
Woodward, David

Davis, Perley  
Rodrigue, Robert

Gallus, John  
Rozek, Michael

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Nordgren, Sharon  
Ward, Brien

Almy, Susan  
Lovett, Sid  
Pawlek, Marion  
Williams, Burton

Barker, Robert  
Marshall, Gene  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Alukonis, David  
Bouchard, David  
Christensen, D L Chris  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Eaton, Richard  
Foster, Linda  
Gleneck, David  
Graham, John  
Holden, Randolph  
Keye, Harvey  
Lasky, Bette  
Lynde, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Schulze, Joan  
Wheeler, Robert

Andosca, Mary  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Drisko, Richard  
Elliott, Larry  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
Melcher, Harold  
Movsesian, Lori  
Pepino, Leo  
Spiess, Paul

Baroody, Benjamin  
Calawa, Leon Jr  
Clayton, William  
Dionne, Kimberley  
Dwyer, Paul  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goley, Jeffrey  
Hall, Betty  
Johnson, Lionel  
Kurk, Neal  
Leishman, Peter  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Sweeney, Cynthia

Bergin, Peter  
Carlson, Donald  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Gorman, Mary  
Hall, Charles  
Kacavas, John  
LaRose, Richard  
Lessard, Rudy  
Messier, Irene  
Palangas, Eric  
Sargent, Maxwell  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Gile, Mary  
Kennedy, Richard  
Moore, Carol  
Reardon, Tara  
Swindlehurst, John

Bouchard, Candace  
Colcord, J D  
Feuerstein, Martin  
Greco, Vincent  
L'Heureux, Stephen  
Owen, Derek  
Rodd, Beth  
Walner, Mary Jane

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hess, David  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Potter, Frances  
Seldin, Gloria

**ROCKINGHAM**

Belanger, Ronald  
 Clark, Martha Fuller  
 Cox, Russell  
 Flanagan, Natalie  
 Gleason, John  
 Kelley, Jane  
 McGuire, Robert  
 Norelli, Terie  
 Pitts, Jacqueline  
 Sapareto, Frank  
 Stritch, C Donald

Bishop, Franklin  
 Clark, Vivian  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Hutchinson, Karen  
 Kobel, Rudolph  
 McKinney, Betsy  
 Nowe, Ronald  
 Robertson, Carl  
 Shultis, Elizabeth  
 Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
 Cooney, Richard  
 Dowling, Patricia  
 Francoeur, Sheila  
 Kane, Cecelia  
 Langone, John  
 Micklon, Stephanie  
 O'Neil, Michael  
 Ruffner, Walter  
 Sloan, Stephen  
 Whittier, John

Bowles, Raimond  
 Corbin, Corey  
 Downing, Michael  
 Gilbert, Karl  
 Katsakiores, George  
 Major, Norman  
 Morse, Charles  
 Pantelakos, Laura  
 Saia, Pamela  
 Splaine, James

**STRAFFORD**

Bickford, David  
 DeChane, Marlene  
 Gilmore, Gary  
 Hughes, Christopher  
 Pelletier, Arthur  
 Smith, Marjorie  
 Woodill, Rodney

Brennan, William  
 Dunlap, Patricia  
 Goodwin, Earle  
 Johnson, Nancy  
 Proulx, Raymond  
 Spang, Judith

Brown, Julie  
 Estabrook, Iris  
 Grassie, Anne  
 Kaen, Naida  
 Reid, Christopher  
 Taylor, Kathleen

Cossette, Larry  
 Ferland, Paul  
 Heon, Richard  
 Knowles, William  
 Rollo, Michael  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Franklin, Peter  
 Leone, Richard

Burling, Peter  
 Harris, Joseph  
 Odell, Bob

Cloutier, John  
 Harris, Sandra  
 Phinizy, James

Ferland, Brenda  
 Jones, Constance  
 Robb, Amy

**NAYS 100****BELKNAP**

Bartlett, Gordon

Boyce, Laurie

Lawton, David

Wendelboe, Fran

**CARROLL**

Dickinson, Howard  
 Torressen, Gary

Kenney, Joseph

Philbrick, Donald

Stevens, Stanley

**CHESHIRE**

Edwards, Dana

Fairbanks, Chandler

Manning, Joseph

**COOS**

Guay, Lawrence

Pratt, Leighton

**GRAFTON**

Alger, John  
 Gabler, William  
 Scanlan, David

Cobb, John  
 Gilman, G Michael  
 Sova, Charles

Dudley, Terri  
 Giuda, Robert

Eaton, Stephanie  
 Mirski, Paul

**HILLSBOROUGH**

Allan, Nelson  
 Bergeron, Jean-Guy  
 Clegg, Robert Jr  
 Goulet, Maurice  
 Jean, Loren  
 Martin, Mary Ellen  
 Milligan, Robert  
 Salts, Greg  
 Tate, Joan

Artz, Lawrence  
 Brundige, Robert  
 Desrosiers, William  
 Guinta, Frank  
 L'Heureux, Robert  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Souza, Kathleen  
 Vaillancourt, Steve

Balboni, Michael  
 Bruno, Pierre  
 Fields, Dennis  
 Herman, Keith  
 LaFlamme, Paul  
 McHugh, Claire  
 Pappas, Marc  
 Sullivan, Peter  
 White, Donald

Batula, Peter  
 Chabot, Robert  
 Gonzalez, Carlos  
 Hopper, Gary  
 Martel, Andre  
 McRae, Karen  
 Reeves, Sandra  
 Tahir, Saghir

**MERRIMACK**

Hutchinson, John  
Winter, Steven

Leber, William

Soltani, Tony

Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Fesh, Bob  
Holland, James Jr  
Katsakiores, Phyllis  
Priestley, Anne  
Stone, Joseph  
Zolla, William

Boynton, James  
Chalbeck, Kevin  
Hamel, Albert  
Introne, Robert  
Langley, Jane  
Putnam, Ed II  
Varrell, Thomas

Bridle, Russell  
Dalrymple, Janeen  
Henderson, Warren  
Johnson, Robert  
Letourneau, Robert  
Quandt, Marshall  
Welch, David

Camn, Kevin  
Dumaine, Dudley  
Hill, Jonathan  
Johnson, Rogers  
Packard, Sherman  
Quandt, Matthew  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Twombly, James

Berube, Roger  
Woods, Phyllis

Harrington, Michael

McCarthy, Gerald

**SULLIVAN**

Rodeschin, Beverly

and the majority committee report was adopted.

Rep. Leach declared a conflict of interest and did not participate.

**HB 1478-FN-A, relative to public health emergency preparation and response. OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: September 11, 2001 frighteningly erased our hopes that bioterrorism would not strike this country. Now we are being warned that we may well be subject to further and more devastating attacks. This bill both enables the state to prepare for and respond to a potential bioterrorism event in New Hampshire. This amendment to HB 1478 amends existing statutes: Chapter 141-C regarding communicable disease and the Chapter 107-C which deals with the state's emergency response structure. This bill clarifies communicable disease reporting requirements to allow the Office of Community and Public Health to more quickly identify and respond to diseases that threaten public health. It defines the duties of the Department of Health and Human Services in identifying communicable diseases that could pose a threat to our citizens, providing prevention services and conducting such public health services as are needed prior to the declaration of an emergency. Also, it provides additional protections for confidential information reported to the state. The existing and new statutes, both before and during a declared emergency by the governor, attempt to protect New Hampshire citizens during a variety of public health emergencies without abrogating civil rights. A number of protections have been added, including a due process clause (141-C: 14(a)). Individuals ordered to undergo examinations, vaccinations, treatment, isolation or quarantine have the right to contest such an order utilizing a simple form provided to the person to be presented to the superior court which must act within 48 hours. This legislation also contains a sunset provision. The governor's authority to declare an emergency is terminated automatically unless the general court approves its extension. A joint legislative oversight committee is established so that the legislature can monitor the activities required by this bill and to study needed refinements to the statute and to recommend new legislation. A section is added to RSA 125-F establishing the Radiation User and Laboratory Fees Fund. Finally, it provides for legislative approval by legislative fiscal committee of new positions required to carry out the activities under this act. Federal funds will cover 100% of the costs of new positions. Vote 16-0.

**Amendment (2954h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. Following the terrorist attacks of September 11, 2001 and in the aftermath of the anthrax bioterrorism attacks, it is hereby recognized that additional steps must be taken to assure homeland security. The United States Government has recognized that homeland security is dependent on state and local emergency response and public health entities and the critical role they fulfill in responding to natural and man-made disasters, bioterrorist attacks, and infectious disease outbreaks. As evidenced in the wake of the 2001 terrorist attacks, comprehensive and coordinated statewide emergency response systems are crucial to New Hampshire's security. New

Hampshire's constitution reinforces the roles that the governor, legislature and other state officials and agencies have in assuring the health, safety, and well-being of the citizens of New Hampshire. It is therefore the purpose of this act to:

I. Improve state and local capacity to plan and respond to natural and man-made disasters and public health emergencies by developing state specific, comprehensive emergency plans.

II. Upgrade core public health functions at the state and local level such as infectious disease surveillance and investigation and enhancing public health laboratory capacity to stay current with the latest scientific and technological advances that would assist in mitigating the destructive impact of a bioterrorist attack or other emergency.

III. Improve connectivity and timely communication among hospitals, emergency responders, local officials, and state departments to assure rapid detection and deployment of resources to respond to an emergency.

IV. Assess and enhance the readiness of hospital and other medical, community-based systems to deal with large numbers of casualties by creating regional hospital mutual aid agreements and clinical laboratory network agreements.

V. Assist in identifying and securing qualified, highly skilled personnel to participate in all levels of emergency preparation and response.

2 State of Emergency Declaration; Powers. Amend RSA 107-C:5 to read as follows:

107-C:5 State of Emergency Powers. ~~[The provisions of this section shall be operative only during the existence of a state of emergency. Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. During such period as such state of emergency exists or continues]~~

*I. The governor shall have the power to declare a state of emergency if the governor finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. A state of emergency shall be declared by an executive order that specifies the:*

*(a) Nature of the emergency;*

*(b) Political subdivisions or geographic areas subject to the declaration;*

*(c) Conditions that have brought about the emergency; and*

*(d) Duration of the state of emergency, if less than 7 days.*

*II. The state of emergency shall terminate as follows:*

*(a) The governor shall terminate a state of emergency by executive order on finding that it is no longer justified.*

*(b) Notwithstanding any other provision of this chapter, a state of emergency shall be terminated automatically after 7 days unless within that period its extension is approved by the legislature or, if either the senate president or the speaker of the house determines that the senate or the house of representatives is unable to meet, by the joint legislative facilities committee.*

*III. During the existence of a state of emergency, and only for so long as such state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:*

~~[I-](a)~~ To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.

~~[H-](b)~~ To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.

~~[H-](c)~~ To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.

~~[H-](d)~~ Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under this chapter. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the governor may sus-

pend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.

[V-](e) To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

[VI-](f) To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

3 New Sections; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 107-C by inserting after section 16 the following new sections:

107-C:17 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

107-C:18 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

107-C:19 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

(a) Six members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house.

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.

(b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.

(c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.

(d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year, beginning November 1 of 2003.

4 Fees. Amend RSA 125-F:8, III to read as follows:

III. *Except as provided in paragraph IV*, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

*IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.*

5 New Section; Radiation User and Laboratory Fees Fund. Amend RSA 125-F by inserting after section 8-a the following new section:

125-F:8-b Radiation User and Laboratory Fees Fund. There is hereby established the radiation user and laboratory fees fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees collected in accordance with RSA 125-F:8, IV. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter.

6 Definition; Communicable Disease. RSA 141-C:2, VI is repealed and reenacted to read as follows:

VI. "Communicable disease" means illness due to a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

7 New Paragraph; Definition Added; Health Care Provider. Amend RSA 141-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Health care provider" means any person who or entity which provides health care services including, but not limited to, hospitals, medical clinics and offices, clinical laboratories, physicians, naturopaths, chiropractors, pharmacists, dentists, registered and other nurses, and nurse practitioners, paramedics, and emergency medical technicians.

8 New Paragraph; Definition Added; Protected Health Information. Amend RSA 141-C:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Protected health information" means any information, whether in oral, written, electronic visual, or any other form, that relates to an individual's physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized (either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information) to reveal the identity of that individual.

9 Rulemaking. Amend RSA 141-C:6, III to read as follows:

III. Reporting [~~communicable diseases~~] *required* under RSA 141-C:7.



10 New Paragraphs; Rulemaking Added. Amend RSA 141-C:6 by inserting after paragraph XVIII the following new paragraphs:

XIX. Identifying laboratory isolates of reportable microorganisms to be retained or forwarded to the public health laboratories.

XX. Establishing a registry of biological agents present in New Hampshire.

11 Reporting of Communicable Disease. RSA 141-C:7 is repealed and reenacted to read as follows:

141-C:7 Reporting of Communicable Disease. Upon the appearance of any communicable disease listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report the communicable disease immediately to the commissioner, and shall provide such additional information and periodic reports as required under RSA 141-C:9, I.

II. Any veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person engaged in the care of animals shall report animals having or suspected of having any disease that may cause a communicable disease in humans.

III. Any clinical laboratory director shall forward to the department's public health laboratory isolates of reportable infectious microorganisms as specified by the commissioner. In addition, any clinical laboratory director performing any testing for reportable diseases shall retain the original patient specimens for 7 days after issuing a final test result for diseases specified by the commissioner and shall submit such specimens to the public health laboratories upon request.

IV. In addition to the foregoing requirements for health care providers, a pharmacist shall report, if required under rulemaking procedures by the commissioner, any unusual or increased types of prescriptions, or unusual trends in pharmacy visits that may be caused by a communicable disease. Prescription-related events that require a report may include, but are not limited to:

(a) An unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints.

(b) An unusual increase in the number of prescriptions for antibiotics.

(c) An unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

12 Reportable Information. Amend RSA 141-C:8 to read as follows:

141-C:8 List of Diseases; Report Forms. The commissioner shall compile a list of reportable communicable diseases necessary to protect the citizenry. The commissioner shall develop and provide a form for the reporting of communicable diseases under this section. The form shall include, at a minimum, the name, age, address, occupation, and place of occupation of the person. ***Reportable information shall not include psychiatric, psychological, or other mental health records or information.***

13 New Paragraph; Specimens or Samples. Amend RSA 141-C:9 by inserting after paragraph II the following new paragraph:

III. Any specimens or samples acquired or collected by the commissioner under this chapter shall be destroyed when they are no longer needed for the purpose for which they were acquired or collected. No such sample or specimen shall be subject to genetic testing as defined in RSA 141-H.

14 Disclosure; Confidentiality. RSA 141-C:10 is repealed and reenacted to read as follows:

141-C:10 Disclosure; Confidentiality.

I. Any protected health information provided to or acquired by the department under this chapter shall be released only with the informed, written consent of the individual or to those authorized persons having a legitimate need to acquire or use the information and then only so much of the information as is necessary for such persons to provide care and treatment to the individual who is the subject of the protected health information, investigate the causes of disease transmission in the particular case, or control the spread of the disease in the particular case. Any release of information under this section without the informed, written consent of the individual shall be conditioned upon the protected health information remaining confidential.

II. Analyses and compilations of data which do not disclose protected health information shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to information required to be reported or provided to the commissioner under this chapter.

IV. Protected health information acquired or disclosed by the commissioner pursuant to this chapter shall be expunged by the commissioner and any person possessing such information when such information is no longer needed for the purpose for which it was acquired or disclosed.

15 Orders. RSA 141-C:12, III is repealed and reenacted to read as follows:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

16 New Paragraph; Evading Quarantine; Breaking Quarantine. Amend RSA 141-C:13 by inserting after paragraph II the following new paragraph:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

17 New Section; Due Process. Amend RSA 141-C by inserting after section 14 the following new section:

141-C:14-a Due Process.

I. Any person subject to an order for examination, vaccination, treatment, isolation, or quarantine, or any other order of the commissioner under this chapter may request a hearing in the superior court to contest such order. The commissioner shall provide, or cause to be provided, to the person both oral and written notice of the right to contest the order and the form for making the request, which form shall require no more than the person's name, address, and signature and the time and date of the signature.

II. Submission of the completed form to the law enforcement officer or other individual serving the order shall be considered a filing with the superior court and such officer or other individual shall promptly deliver the form to the superior court.

III. The superior court shall schedule a hearing and render a decision upon the request within 48 hours of the time the request was made. If the court determines that exigencies related to protection of the health of the public preclude a hearing and decision within the 48-hour period, the hearing and decision may take place within a suitable time as determined by the court, but in no event later than 120 hours after the time the request was made.

IV. No examination, vaccination, treatment, or other action shall be provided against the will of a person who has filed a request for a hearing until the court has issued a decision upholding the commissioner's order; however, the person may be held in isolation or quarantine pending the outcome of the court hearing, but may no longer be held if the court fails to render its decision within the time period required under paragraph III.

V. At the hearing the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person poses a threat to public health and the order issued by the commissioner is thereby warranted to alleviate such threat.

VI. All orders issued under this chapter shall be in writing and a copy shall be provided to the person subject to the order at the time it is served. Every person who contests an order of the commissioner under this chapter shall be given a copy of the executed form contesting such order.

18 New Paragraph; Treatment, Care of Sick; Costs. Amend RSA 141-C:15 by inserting after paragraph V the following new paragraph:

VI. When an individual subject to an order for treatment by the commissioner refuses to undergo such ordered treatment, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing treatment, the nature of the treatment to be provided, and the place or facility where the treatment shall be provided. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the treatment is to be provided.

19 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 107-C:7.

20 Provisions for Personnel Subject to Legislative Approval. The federal government has provided and will provide funds to support states in their preparation for and response to bioterrorism attacks, man-made disasters, and other emergencies. Upon acceptance and receipt, and in accordance with the regulations governing the use of such funds, the commissioner of health and human services may establish one or more classified and unclassified positions to enable the department to carry out the activities necessary to meet the purposes for which the funds are provided. The establishment and the salary levels and labor grades of any such positions shall be subject to the approval of the legislative fiscal committee. No general funds shall be used to pay the salaries and benefits for the positions created under this section.

21 Repeal. The following are repealed:

I. RSA 107-C:17, relative to public health powers and duties.

II. RSA 107-C:18, relative to safe disposal of corpses.

22 Effective Date.

I. Section 21 shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill:

I. Grants public health emergency authority to the commissioner of the department of health and human services which shall be exercised only when a state of emergency has been declared.

II. Establishes a fund to be used for the administration of the radiological health program.

III. Amends the communicable disease law to accommodate any illness or health condition that may be caused by a public health emergency.

Adopted.

Report adopted and ordered to third reading.

**HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as amended, provides for a pilot program to move forward the development of Instream Flow Rules. The pilot program consists of the Lamprey and the Souhegan rivers. These rules will, in effect, determine who can draw water from our rivers, and how much they can draw, and when they can draw water, during low flow conditions. They will affect public water suppliers, agriculture, recreation, wildlife habitat, businesses, dam owners and our environment. The rules are designed to provide a fair and equitable process for all interests to "share the pain" of water restrictions during low flow conditions. These draft rules have had many public hearings and several major revisions over the past few years. It is now time to put them to the test. This bill requires an instream flow study and water management plan be developed for these two rivers. Two advisory committees are established for each river. Each committee consists of 11 members that include legislative members and members of each interest group. However, before these studies and plans are implemented, they must be approved by the legislature to allow for a public hearing with input from all interested parties and the public. Additional legislative oversight is maintained by extending the reporting date of the Committee to Study the Impact of Water Withdrawals on Instream Flows to December 1, 2004. This is necessary because the draft rules employ an innovative process where all water users on the river reach a consensus on how each should adapt to the low flow conditions. There is a concern that there may be problems with this approach and this legislature needs to be involved in setting these very important water policies. A report from the Department of Environmental Services (DES) to the legislature is required by July 1, 2005. This bill also provides \$660,000 for the fiscal year ending June 30, 2003 for this pilot program. Vote 10-5.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill is unnecessary. After over a decade of study and negotiations among conservationists, regulatory

agencies and water users, from hydroelectric plants to public water suppliers, the Department of Environmental Services (DES) has drawn up Instream Flow Rules which do a much better job than this bill. Through significant compromise, these rules now reduce the Rivers Management and Protection Program to a pilot study of two rivers. However, under HB 1449-A, technical and scientific experts on advisory committees proposed by the rules are replaced by politicians and interest groups. The water management advisory committees no longer include local municipalities, nor the local river management advisory committees, appointed for just such responsibilities. But worst of all, both the scientific work and the water allocation negotiations achieved with the river's water users can be vetoed by the legislature. The minority feels that this jeopardizes local decision-making on the local rivers in the pilot. Federal funding sources have also indicated a reluctance to support the pilot program if HB 1449-A is adopted, since there would be no assurance that lengthy and expensive work would lead to actual implementation of balanced water management and conservation of river resources.

### **Majority Amendment (2881h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a pilot program to study instream flow on the Lamprey River and the Souhegan River, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that it is in the interests of the state to do a comprehensive study regarding the establishment of protected instream flows and water management plans for 2 designated rivers and their tributary drainage areas. The general court finds that it is in the interests of the state to initially restrict instream flow rules to 2 rivers to ensure that adequate funding is available to develop the necessary protected instream flows and water management plans and to ensure that the department of environmental services will devote adequate attention to the effective and fair administration of the first application of instream flow regulation under the provisions of RSA 483. The general court also finds that the proposed protected instream flow and water management plan for each river should be approved by the legislature to allow for a public hearing with input from affected water users and the public.

2 Pilot Program Established; Instream Flow Rules for the Lamprey River and the Souhegan River.

I. There is established a pilot program for the purpose of studying instream flow on the Lamprey River and the Souhegan River, and their respective tributary drainage areas.

II. The commissioner of the department of environmental services shall adopt instream flow rules pursuant to RSA 541-A relative to the Lamprey River, as designated in RSA 483:15, I, and the Souhegan River, as designated in RSA 483:15, XIII. For each of the designated rivers, the instream flow rules shall require that a protected instream flow study be conducted prior to the commissioner of the department of environmental services adopting a protected instream flow and a water management plan.

III. The commissioner of the department of environmental services shall not adopt rules relative to protected instream flows pursuant to RSA 483:9-c, or water management plans or rules relative to any other rivers designated in RSA 483:15 until the expiration of the pilot program.

3 Instream Flow Technical Review Committees; Establishment; Duties.

I.(a) There are established instream flow technical review committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, an instream flow technical review committee shall be appointed and convened. There shall be 11 members of the committee appointed as described by this paragraph.

(b) The duty of the committee shall be to advise the department on the preparation and conduct of the protected instream flow study. The committee may seek input from appropriate state and federal agencies as necessary.

(c) The committee shall serve until the department formally adopts and the legislature approves the protected instream flow for the river for which the committee was appointed.

(d) A committee member shall have either education or experience in instream flow protection. The members shall be as follows:

(1) Two members of the senate, appointed by the senate president.

(2) Two members of the house of representatives, appointed by the speaker of the house.

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on

the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) The instream flow technical review committee shall make annual reports regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

II.(a) There are established water management planning area advisory committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, a water management planning area advisory committee shall be appointed and convened. There shall be 11 members of the committee appointed as described in this paragraph.

(b) The committee shall, with respect to the river for which the committee was appointed:

(1) Provide information towards the development of the protected instream flow and the water management plan;

(2) Review and comment on the water management plan; and

(3) Assist the department in hearings, negotiations, and public meetings related to the adoption of the protected instream flow and the water management plan.

(c) The committee shall serve until the department formally adopts and the legislature approves the water management plan relative to the river for which the committee was appointed.

(d) The members shall be as follows:

(1) Two members of the senate, appointed by the senate president.

(2) Two members of the house of representatives, appointed by the speaker of the house.

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) A water management planning area advisory committee shall make an interim report regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

III. The commissioner of the department of environmental services shall by November 1, 2005:

(a) Conduct protected instream flow studies and adopt protected instream flows and water management plans relative to the Lamprey River and the Souhegan River; and

(b) Submit a report that details the activities and results of the pilot program, including any recommendations for proposed legislation, to the senate president, the speaker of the house of representatives, the governor, and the state library. The report shall include the completed instream flow studies and the adopted protected instream flows and water management plans. No protected instream flows or water management plans shall take effect until approved by the legislature.

4 Position Established. There is established in the department an instream flow protection coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the pilot program. The instream flow protection coordinator shall serve as secretary and staff to the instream flow technical review committees and the water management planning area advisory committees.

5 Appropriation. There is hereby appropriated the sum of \$660,000 for fiscal year ending June 30, 2003 to the department of environmental services for the pilot program established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, ~~2002~~ **2004**.

7 Repeal. Sections 1-4 of this act, relative to a pilot program for instream flow studies on the Lamprey River and the Souhegan River, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a pilot program in the department of environmental services to study instream flows for the Lamprey River and the Souhegan River, and makes an appropriation for the pilot program. The bill also establishes an instream flow technical review committee and a water management planning area advisory committee for each river designated for an instream flow and river management plan under RSA 483.

Reps. O'Connell and Spang spoke against.

Reps. Bruno and Lawton spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

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#### YEAS 153

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

#### CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith
Torresen, Gary			

#### CHESHIRE

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Manning, Joseph
Royce, H Charles	Smith, Edwin		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Tholl, John Jr	Woodward, David		

#### GRAFTON

Barker, Robert	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

#### HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Furman, Christine	Gleneck, David
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Johnson, Lionel	Kurk, Neal	LaFlamme, Paul	LaRose, Richard

Lefebvre, Roland  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Vaillancourt, Steve

Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Tahir, Saghir

McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Thulander, O Alan

### MERRIMACK

Feuerstein, Martin  
Jacobson, Alf  
Soltani, Tony

Fraser, Leo Jr  
Kennedy, Richard  
Whalley, Michael

Hess, David  
Leber, William  
Winter, Steven

Hutchinson, John  
MacKay, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Francoeur, Sheila  
Johnson, Rogers  
Letourneau, Robert  
O'Neil, Michael  
Quandt, Marshall  
Varrell, Thomas

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Gleason, John  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Matthew  
Welch, David

Bishop, Franklin  
Cooney, Richard  
Dowling, Patricia  
Henderson, Warren  
Katsakiores, Phyllis  
McKinney, Betsy  
Priestley, Anne  
Ruffner, Walter  
Weyler, Kenneth

Bridle, Russell  
Corbin, Corey  
Flanders, John Sr  
Introne, Robert  
Kelley, Jane  
Morse, Charles  
Putnam, Ed II  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Woods, Phyllis

Bickford, David  
McCarthy, Gerald

Brown, Julie  
Taylor, Kathleen

Cossette, Larry  
Twombly, James

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 180

### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

### CARROLL

Babson, David Jr

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Dexter, Judson  
Meador, David  
Slack, Pamela Russell

Avery, Stephen  
Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

Batchelder, Robert  
Liebl, George  
Pratt, John

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

### COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley

Landers, Dana

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Pawlek, Marion  
Williams, Burton

Alger, John  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Teschner, Douglass

### HILLSBOROUGH

Allan, Nelson  
Bragdon, Peter  
Cote, Peter

Artz, Lawrence  
Buckley, Raymond  
Craig, James

Baroody, Benjamin  
Chabot, Robert  
Dionne, Kimberley

Bergin, Peter  
Clayton, William  
Dokmo, Cynthia

Drabinowicz, A Theresa  
 Ford, Nancy  
 Golding, William  
 Goulet, Maurice  
 Keye, Harvey  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Rowe, Robert  
 Sullivan, Peter

Drisko, Richard  
 Foster, Linda  
 Goley, Jeffrey  
 Hall, Betty  
 Konys, Christine  
 Leishman, Peter  
 Melcher, Harold  
 O'Connell, Timothy  
 Schulze, Joan  
 Sweeney, Cynthia

Dwyer, Paul  
 Gargas, Carolyn  
 Gonzalez, Carlos  
 Jean, Claudette  
 L'Heureux, Robert  
 Lynde, Harold  
 Messier, Irene  
 Palangas, Eric  
 Souza, Kathleen  
 Tate, Joan

Eaton, Richard  
 Ginsburg, Ruth  
 Gorman, Mary  
 Kacavas, John  
 Lasky, Bette  
 Martin, Mary Ellen  
 Movsesian, Lori  
 Panagopoulos, Nicholas  
 Spiess, Paul  
 White, Donald

### MERRIMACK

Anderson, Eric  
 Clarke, Claire  
 Davis, Frank  
 Hager, Elizabeth  
 Owen, Derek  
 Rodd, Beth  
 Wallner, Mary Jane

Bouchard, Candace  
 Colcord, J D  
 French, Barbara  
 L'Heureux, Stephen  
 Perkins, Randy  
 Rush, Deanna  
 Yeaton, Charles

Brewster, Richard  
 Cummings, Raymond  
 Gile, Mary  
 Lockwood, Priscilla  
 Potter, Frances  
 Seldin, Gloria

Burney, Carol  
 Daneault, Gabriel  
 Greco, Vincent  
 Moore, Carol  
 Reardon, Tara  
 Swindlehurst, John

### ROCKINGHAM

Blanchard, MaryAnn  
 Clark, Martha Fuller  
 Dumaine, Dudley  
 Hamel, Albert  
 Kane, Cecelia  
 McGuire, Robert  
 Pitts, Jacqueline  
 Sloan, Stephen  
 Whittier, John

Bowles, Raimond  
 Clark, Vivian  
 Fesh, Bob  
 Holland, James Jr  
 Kobel, Rudolph  
 Micklon, Stephanie  
 Robertson, Carl  
 Splaine, James

Boynton, James  
 Cox, Russell  
 Flanagan, Natalie  
 Hutchinson, Karen  
 Langley, Jane  
 Norelli, Terie  
 Sapareto, Frank  
 Stone, Joseph

Chalbeck, Kevin  
 Downing, Michael  
 Gilbert, Karl  
 Johnson, Robert  
 Langone, John  
 Nowe, Ronald  
 Shultis, Elizabeth  
 Weatherspoon, Jacquelyne

### STRAFFORD

Beube, Roger  
 Estabrook, Iris  
 Heon, Richard  
 Knowles, William  
 Rollo, Michael  
 Woodill, Rodney

Brennan, William  
 Ferland, Paul  
 Hughes, Christopher  
 Pelletier, Arthur  
 Smith, Marjorie

DeChane, Marlene  
 Gilmore, Gary  
 Johnson, Nancy  
 Proulx, Raymond  
 Spang, Judith

Dunlap, Patricia  
 Goodwin, Earle  
 Kaen, Naida  
 Reid, Christopher  
 Wall, Janet

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Leone, Richard

Burling, Peter  
 Harris, Joseph  
 Phinizy, James

Cloutier, John  
 Harris, Sandra  
 Robb, Amy

Ferland, Brenda  
 Jones, Constance

and the majority amendment failed.

Motion of Ought to Pass failed.

Rep. Blanchard moved Inexpedient to Legislate.

Adopted.

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: The committee recognizes the potential loss of some jobs in the forest products industry, and the majority of the committee felt that the viability of the wood plants is questionable. The committee also had questions as to whether or not funding from the systems benefit charge was the most fair and equitable solution for all rate-payers in the state. Because of these, and other concerns, the committee felt that a study committee, as proposed by the original legislation, was the best solution at this time. Vote 10-2.

Adopted and ordered to third reading.



**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill was passed by the Resources, Recreation and Development Committee and then the House two weeks ago. The Ways and Means amendment cuts the fee increases proposed in the bill by \$13 per registration. It includes an amendment brought in after discussions between the sponsor, Resources members and snowmobile and ATV representatives, which clearly separates funding for, and use of, trails intended for snowmobiles, ATV's or trail bikes. Multi-use trails will still be permitted. The effect of the separation is to reduce the money needed for grants in aid to present levels for the foreseeable future. The money for trail right purchases is reduced in recognition of the fact that the total necessary will not be known until a five-year plan is available from the Bureau of Trails at the end of 2003. At that time the Bureau is directed to recommend any further fee increases (or decreases) to the legislature. The fee increases retained are \$4 for Bureau of Trails development of ATV trail plans and their execution; \$2 for purchase of easements; \$1 for the private agent who fills out the forms for the registrant; and \$10 for enforcement, compensating local police departments for the expense of acting on ATV-related complaints. A final item requested by the policy committee allows the local police to use the money to pay off-duty sheriffs and troopers for this purpose, also. Although the Ways and Means Committee is reasonably comfortable that the participating agencies do not now have a surplus that could be used for these purposes, it does have significant concerns with the methods and assumptions they use in budgeting their use of registration fees. Cooperation and coordination must be improved between the Department of Resources and Economic Development and the Fish and Game Department in order to budget the funds in a more appropriate and realistic manner. Vote 9-4.

**Amendment (2969h)**

Amend RSA 215-A:3, IX as inserted by section 5 of the bill by replacing it with the following:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the [chairperson] *chairpersons* of the [~~wildlife and marine resources~~] *fish and game* committee, *the resource, recreation and development committee, the transportation committee, the ways and means committee, and any other appropriate committee* of the house of representatives, [~~and to~~] the chairperson of the wildlife and recreation committee, *the ways and means committee, and any other appropriate committee* of the senate, *and the state library* which details their agency's [~~performance~~] *activities* relating to OHRV programs during the previous year. *Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.* Each report shall be submitted on or before January 15 of each year *and shall be made available to the public in a manner deemed appropriate by each reporting agency.*

Amend RSA 215-A:23, I as inserted by section 7 of the bill by replacing it with the following:

I. Individual resident registration-~~[\$26]~~ *\$42* for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ *\$51* for each other OHRV registration upon presentation of a resident tax receipt, or a valid [~~New Hampshire~~] driver's license issued to a [~~person~~] *New Hampshire resident* 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for [~~administration of~~] the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ *\$15.30* from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 *from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration* shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, III as inserted by section 8 of the bill by replacing it with the following:

III. Individual nonresident registration-~~[\$36]~~ **\$63** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$72** for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~administration of~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$17.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 ~~from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration~~ shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, VI (b) as inserted by section 9 of the bill by replacing it with the following:

(b) Grants-in-aid shall be granted to ~~organized nonprofit~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. ~~[All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public].~~ Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. ~~[The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV].~~ *Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.*

Amend RSA 215-A:23, VII (c) as inserted by section 10 of the bill by replacing it with the following:

(c) *Land purchases, easements, and rights-of-way. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements and rights-of-way for ATV or trail bike trail and facility development.*

Amend RSA 215-A:23, VIII (f) as inserted by section 11 of the bill by replacing it with the following:

(f) *Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and \$19 of each nonresident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.*

Amend paragraph I of section 22 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Assess the level of funding necessary for grants-in-aid and purchases of land, easements, and rights-of-way for the purposes of the 5-year plan, and make recommendations for fee structure changes to the legislature.

Adopted.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 256 NAYS 70**

**YEAS 256**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Millham, Alida  
Rosen, Ralph

Flanders, Donald  
Nedeau, Stephen  
Russell, David

Holbrook, Robert  
Pilliod, James  
Thomas, John

**CARROLL**

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Liebl, George  
Royce, H Charles

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Slack, Pamela Russell

Batchelder, Robert  
Espiefs, Peter  
Mitchell, McKim  
Smith, Edwin

Burnham, Daniel  
Fairbanks, Chandler  
Richardson, Barbara  
Zerba, Roger

**COOS**

Bradley, Paula  
Woodward, David

Davis, Perley

Horton, Lynn

Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Eaton, Stephanie  
Marshall, Gene  
Scanlan, David  
Teschner, Douglass

Alger, John  
Cobb, John  
Gabler, William  
Mirski, Paul  
Scovner, Nancy  
Ward, Brien

Almy, Susan  
Cooney, Mary  
Giuda, Robert  
Naro, Debra  
Sokol, Hilda  
Williams, Burton

Barker, Robert  
Dudley, Terri  
Lovett, Sid  
Pawlek, Marion  
Sova, Charles

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Foster, Linda  
Golding, William  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Leach, Edward  
Martel, Andre  
Mercer, Robert  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell  
Sullivan, Peter  
Vaillancourt, Steve

Balboni, Michael  
Bergin, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Craig, James  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Keye, Harvey  
LaFlamme, Paul  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Messier, Irene  
Murphy, Robert  
Peterson, Andrew  
Schulze, Joan  
Sweeney, Cynthia  
Wheeler, Robert

Baroody, Benjamin  
Bragdon, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Fields, Dennis  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Hopper, Gary  
Konys, Christine  
LaRose, Richard  
Leishman, Peter  
McHugh, Claire  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Tahir, Saghir  
White, Donald

Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Dwyer, Paul  
Ford, Nancy  
Gleneck, David  
Graham, John  
Hall, Charles  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Melcher, Harold  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
Gile, Mary  
Hutchinson, John  
Leber, William  
Owen, Derek  
Swindlehurst, John  
Yeaton, Charles

Bouchard, Candace  
Colcord, J D  
Greco, Vincent  
Jacobson, Alf  
Lockwood, Priscilla  
Perkins, Randy  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Potter, Frances  
Whalley, Michael

Burney, Carol  
Fraser, Leo Jr  
Hess, David  
L'Heureux, Stephen  
Moore, Carol  
Seldin, Gloria  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Clark, Vivian

Belanger, Ronald  
Bridle, Russell  
Cooney, Richard

Blanchard, MaryAnn  
Carson, Sharon  
Corbin, Corey

Bowles, Raimond  
Clark, Martha Fuller  
Cox, Russell

Dalrymple, Janeen  
Flanders, John Sr  
Hamel, Albert  
Johnson, Robert  
Katsakiores, Phyllis  
McGuire, Robert  
Nowe, Ronald  
Robertson, Carl  
Splaine, James  
Welch, David

Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Johnson, Rogers  
Kelley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

Downing, Michael  
Gilbert, Karl  
Holland, James Jr  
Kane, Cecelia  
Langley, Jane  
Morse, Charles  
Pitts, Jacqueline  
Shultis, Elizabeth  
Varrell, Thomas  
Zolla, William

Flanagan, Natalie  
Gleason, John  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Norelli, Terie  
Priestley, Anne  
Sloan, Stephen  
Weatherspoon, Jacquelyne

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Reid, Christopher  
Twombly, James

Berube, Roger  
Estabrook, Iris  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Ferland, Paul  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith  
Woods, Phyllis

Brennan, William  
Harrington, Michael  
Kaen, Naida  
Proulx, Raymond  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Harris, Sandra  
Rodeschin, Beverly

Cloutier, John  
Jones, Constance

Franklin, Peter  
Leone, Richard

Harris, Joseph  
Odell, Bob

### NAYS 70 BELKNAP

Boyce, Laurie

Salatiello, Thomas

### CARROLL

Babson, David Jr

Kenney, Joseph

Torresen, Gary

### CHESHIRE

Emerson, Susan

McGuirk, Paul

Meador, David

Pratt, John

### COOS

Gallus, John  
Rozek, Michael

Guay, Lawrence

Pratt, Leighton

Rodrigue, Robert

### GRAFTON

Gilman, G Michael

### HILLSBOROUGH

Allan, Nelson  
Clayton, William  
Eaton, Richard  
Gorman, Mary  
Martin, Mary Ellen  
Salts, Greg

Andosca, Mary  
Dionne, Kimberley  
Elliott, Larry  
Johnson, Lionel  
McRae, Karen  
Tate, Joan

Artz, Lawrence  
Drabinowicz, A Theresa  
Gargas, Carolyn  
Kacavas, John  
Palangas, Eric

Bouchard, David  
Drisko, Richard  
Goley, Jeffrey  
Lynde, Harold  
Panagopoulos, Nicholas

### MERRIMACK

Cummings, Raymond  
Rush, Deanna

Daneault, Gabriel  
Soltani, Tony

Davis, Frank

Reardon, Tara

### ROCKINGHAM

Bishop, Franklin  
Dumaine, Dudley  
Langone, John  
Putnam, Ed II  
Stone, Joseph

Camm, Kevin  
Fesh, Bob  
Letourneau, Robert  
Quandt, Marshall  
Weyler, Kenneth

Chalbeck, Kevin  
Hutchinson, Karen  
Micklon, Stephanie  
Quandt, Matthew

DiFruscia, Anthony  
Kobel, Rudolph  
Packard, Sherman  
Sapareto, Frank

**STRAFFORD**

Brown, Julie  
Goodwin, Earle

Cossette, Larry  
Rollo, Michael

DeChane, Marlene  
Woodill, Rodney

Gilmore, Gary

**SULLIVAN**

Ferland, Brenda  
and the report was adopted.  
Ordered to third reading.

**HB 1343**, relative to processing excavating and dredging permits. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The report of the Ways and Means Committee agrees with the unanimous report of the Resources, Recreation and Development Committee on HB 1343 which passed the House on March 6th. This bill will insure the timely processing of permits for excavation and dredging permits by increasing fees to pay for the five existing positions. In the past year the backlog in application has been reduced only by using funds received from fines and fees related to the interstate gas pipeline project and others. Clearly, these resources will not be available in the future. The department is attempting to reduce its reliance on fines, an uncertain source, to fund approval of wetlands projects using a realistic fee structure. If the necessary administrative personnel are not available because fees are inadequate and the department fails to render a decision within the timeframes provided, the application will be deemed to be approved, RSA 482-A:3 XIV (e), then a major project is no longer covered by the State's agreement with the U. S. Corps of Engineers. The applicants will then need to apply to the U. S. Corps of Engineers, and this will extend the permit approval time to 12 to 18 months. Vote 11-5.

Rep. Dickinson yielded to questions.

Adopted and ordered to third reading.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The Ways and Means Committee gives its strong support to the unanimous recommendation of the Criminal Justice and Public Safety Committee whose committee amendment was adopted by the House on March 6th. It is extremely important that fees concerning explosives handling be increased to a realistic level to cover the cost of administration of this program which regards the license application, renewal and inspection of those dealing with explosives. The bill calls for improved procedures regarding acquisition, transportation and storage of explosive material in the state of New Hampshire. The fees generated by this bill will total less than \$16,000 and in most cases, will be less than those charged in surrounding areas. Vote 15-1.

Adopted and ordered to third reading.

Rep. Paul Ferland declared a conflict of interest and did not participate.

**HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with a retirement allowance while employed. The committee voted to repeal RSA 100-A, Section 3(c), which was passed last year. Those who have applied and received an allowance shall continue to receive his or her allowance. Vote 13-1.

**Amendment (2950h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the provision allowing certain state employees to receive a retirement allowance while in service.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 100-A:3, I(c), relative to retirement allowance granted to members while in service, is repealed.

2 Application. Any member granted a retirement allowance under the provisions of RSA 100-A:3, I(c) prior to repeal by this act shall continue to receive his or her allowance.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill repeals the provision allowing unclassified or nonclassified state employees to receive a retirement allowance while in service as a state employee.

Rep. Dyer spoke against.

The amendment failed.

Rep. Dyer offered floor amendment (3048h).

#### Floor Amendment (3048h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the eligibility of state employees to receive a retirement system benefit while in service.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the benefits and concerns of allowing unclassified, nonclassified, and classified state employees, or other retirement system members, to elect to receive a retirement system allowance while remaining in service.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Repeal; 2003. RSA 100-A:3, I(c), relative to retirement allowance granted to members while in service, is repealed.

7 Application. Any member granted a retirement allowance under the provisions of RSA 100-A:3, I(c) prior to repeal by section 6 of this act shall continue to receive his or her allowance.

8 Moratorium. The provisions of RSA 100-A:3, I(c), allowing retirement allowances to be granted to members while in service, shall not apply to retirement system members who first become eligible to elect to receive a retirement allowance under such statutory provision after the effective date of this section.

9 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the eligibility of state employees to receive a retirement system benefit while in service. The bill also establishes a moratorium on eligibility for unclassified and nonclassified employees to elect to receive such a retirement allowance, and repeals in 2003 the provision allowing certain state employees to receive a retirement allowance while in service.

Floor amendment (3048h) adopted.

Report adopted and ordered to third reading.

**SB 342**, relative to the purpose of the certificate of need law. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: After a request by the Certificate of Need Board that monetary thresholds for purchase of equipment and facilities be increased

in order to reduce the number of requests for Certificate of Need review, the Health and Human Services and Elderly Affairs Committee unanimously voted to approve SB 342 as amended. Vote 16-0.

### **Amendment (2949h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to medical equipment under the certificate of need law.

Amend the bill by replacing all after the enacting clause with the following:

1 Major Medical Equipment; Increase in Amount. Amend RSA 151-C:2, XXIV to read as follows:

XXIV. "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health services and which costs more than ~~[\$400,000]~~ **\$1,500,000**. In determining whether medical equipment costs more than ~~[\$400,000]~~ **\$1,500,000**, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

2 Standards; Equipment; Increase in Amount. Amend RSA 151-C:5, II(d) to read as follows:

(d) The purchase, lease, donation, transfer, or other comparable arrangement by or on behalf of a health care provider of diagnostic or therapeutic equipment for which the cost or, in the case of donation, the value is in excess of ~~[\$400,000]~~ **\$1,500,000** including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board. The board shall not develop standards for the purchase of equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the equipment will not result in a substantial increase in operating costs above that of the existing or replaced equipment.

3 Exemptions; Equipment. Amend RSA 151-C:13, I(f) to read as follows:

(f) Facilities and services which are intended to serve only outpatients and which do not require construction of greater than the appropriate threshold level, as determined under RSA 151-C:5, II(a) or RSA 151-C:5, II(f) or new equipment costing ~~[more]~~ **less** than ~~[\$400,000]~~ **\$1,500,000**.

4 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill increases the amount for major medical equipment from \$400,000 to \$1,500,000.

Rep. Millham spoke against.

Rep. Batula spoke in favor.

Adopted.

Report adopted and ordered to third reading

### **HB 1481-FN-L, relative to a highway construction project in Nashua. INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have required the city of Nashua to hold public hearings and conduct special elections on a purely local issue. The committee feels that all possible local remedies, such as bringing suit under the state's Right To Know Law, forcing the issue through a local referendum or election of new city officials, have not been exhausted. This bill would set a dangerous precedent and should not be approved. The Ten Year Highway Plan addresses issues such as this. We heard some residents of Nashua unhappy with a planned project, knowing how difficult it is to have a project added to the Ten Year Plan. Some support from Nashua must exist for this project. Vote 16-0.

Reps. Gleneck and Drabinowicz spoke against.

Reps. Candace White Bouchard and Edwin Smith spoke in favor.

Adopted.

### **ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1223.

Rep. Nowe, Sen. D'Allesandro for the Committee

### **RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a

third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 4, 2002 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 1467-FN**, relative to the cost of vaccines.

**SB 362**, relative to the membership and duties of the New Hampshire film and television commission.

**SB 394**, relative to the duties of the advisory committee on international trade.

**HB 1305-FN**, relative to the pollution prevention program.

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund.

**SB 413**, establishing a committee to study background checks for nursing home employees.

**SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy.

**SB 328**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

**SB 405**, relative to special number plates for veterans.

**HB 1483**, relative to municipal budget committees.

**SB 1**, apportioning state senate districts.

**SB 3**, apportioning congressional districts.

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

**HB 1100-FN-A**, relative to the judicial conduct commission and making an appropriation therefor.

**HB 1102**, establishing a hazardous waste coordinator certificate program and making an appropriation therefor.

**HB 1478-FN-A**, relative to public health emergency preparation and response.

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities.

**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

**HB 1343**, relative to processing excavating and dredging permits.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services.

**HB 1469-FN**, establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.

**SB 342**, relative to the purpose of the certificate of need law.

## UNANIMOUS CONSENT

Reps Lefebvre and Lawton addressed the House.

Without objection, the Speaker ordered that the remarks of Reps. Lefebvre and Lawton be printed in the Permanent Journal.

Rep. Lefebvre: Thank you, Mr. Speaker and honorable members. So very strange how our numbers do reflect we have 144 veterans that I counted here on this veteran's list and it was in 1944, just at this time, that 34 of our bombers left with 10 aboard on each bomber and 28 never returned. I stand before you to give you an idea of what this newspaper here has done. It is called *The Weirs Times*. On November 8<sup>th</sup>, before our Veterans Day, this wonderful paper, out of 44 pages, devoted almost half of this paper with veteran's stories and issues and poems and letters by mothers, etc. etc. It was beautiful. I couldn't leave that standing, I had to do something about it and I did. I approached some of the veterans in this House and asked, and this is what we have come up with.



I have a little letter here I would like to read first, Mr. Speaker and honorable members of this House, on behalf of our 135 veterans in this House, and it's more, 144, I checked the list, and their friends and families and all our wonderful counterparts we left all over the world. This shouldn't be so difficult. We wish with all our hearts to thank the publishers and you, the editors of *The Weirs Times*, for the most moving tribute we have ever seen in a media rendered to all veterans of our state and those who are presently giving lives for our glorious freedom. We wholeheartedly are thankful for you and for many future generations to come.

We have here a State of New Hampshire, House of Representatives Declaration:

"Let it be known by all the House of Representatives on this occasion publicly does recognize and does grant its heartfelt congratulations to *The Weirs Times* in recognition of its Volume 10 Number 45 edition honoring the many contributions made by the veterans across the state; and be it further known that the New Hampshire House of Representatives, by virtue by the Speaker's signature inscribed below, also does duly extend its highest accolades." signed, Speaker of the House, Gene G. Chandler.

I would like to call David Lawton, who is the chief editor, to receive this.

Speaker: The Chair recognizes Rep. David Lawton who desires unanimous consent of the House.

Rep. Lawton: Thank you, Mr. Speaker, I appreciate that. I just wanted to make a couple of quick remarks, obviously to thank Rep. Lefebvre. This is a big surprise and a real honor for the publication, but I don't think it would be appropriate unless we heard from the members here who are also veterans. I know *The Weirs Times*, in our ten years now of publishing the paper, has long had a coexistence with veterans and a connection right on the masthead, which Roland has brought for me today. On that masthead, that view is from the similar view that you would see from the veterans' encampment right in the Wiers. So *The Weirs Times* has always had a strong connection with veterans and it was just natural for us to recognize those folks on such an important day. I don't know if anyone recognized right on the front cover is a former member of the Resources committee, Bob LaFlamme from Sanbornton, who I obviously look up to on a lot of veterans' issues.

So, Mr. Speaker, if I could request a round of applause for the veterans in the House that would be appropriate.

Speaker: Could all the veterans please stand.

Rep. Lawton: Mr. Speaker, if I could also say that I wish that my father were still in the House. As everyone probably knows who's a friend of my father's, he's enjoying himself back at work. I am asked regularly, "How's your Dad doing?" and I assure you he's having a ball and he really enjoys work and that's where he is today. He's going to be thrilled to see this. I know he's going to appreciate this and I thank you on his behalf as well.

### UNANIMOUS CONSENT

Rep. Donald White addressed the House.

Without objection, the Speaker ordered that the remarks of Rep. Donald White be printed in the Permanent Journal.

Rep. Donald White: Thank you, Mr. Speaker. You know, I like speaking before this body in favor of things, and in opposition, which I really enjoy, as I guessed you've noticed; but not this time. What I'm going to do, I guess, is tell you that within the week I will resign my position in this House. I just didn't think it would be this hard. I assure you I'm doing this for the best of reasons and even though I will miss this immensely, this is something I feel I absolutely must do because finally, after a long period of time, since I left New York City and saw in Quincy, Massachusetts, a young girl with a bunch of boys playing touch football about 1942. A fellow threw a pass to an end, and another fellow ran up to make a tag and this young girl blocked him. It wasn't a block. It was a magnificent clip and I was really impressed. I didn't know at the time that was the lady I was going to marry some years hence and I've loved that woman for more than the 50 years we have been married. She's done quite a bit for me. When the families were in trouble years ago when the children were affected by the RH factor, these ladies, while we were away sometimes in Korea and Vietnam, banded together to raise, lead and guide those children to where most of them are doing quite well. The other children are doing extremely well. In the past eight years this lady has taken care of her mother in her home and the sad, poor old woman ran into a situation where she could no longer be cared for in the house. Advanced dementia really took her away as the person we all knew. So, now, together after all this time, we have no responsibilities that we can see. She supported me here for years, encouraging me to do these things even though she had done so much

for me over this period of time and supported me in everything I've done. But this is her time and so we decided that I would do what she needed to do, what would be good for her in the years we have remaining together. We will leave here probably in about ten days. I know it's quick, but everything that we tried to do to sell the house happened so rapidly, it was very hard to grasp the fact that we would actually be going. But naturally, as is her way, we are not leaving this place because she wants a rest or to relax and do things. She wants to be with her grandchildren and that's not to be totally unexpected and that she will do. We will move and relocate from our home in Hudson to Littleton, Colorado, so she can be near the people she loves the most,— aside from me, of course.

But being here in a place with this number of people for eight years has given me much more than I could possibly have given. I served on a great committee, one that I believe has given to this House honorable statements, accurate, a bipartisan group of people who were determined that what was presented to their fellow representatives was something that they could respect, something that they could vote for and something that they could trust. And that to me is a honor that I never received in any form at all during my lifetime because I simply didn't know how to do it before. I was taught that here by my fellow representatives. So, this is unique, this place. I've been in 44 states, traveling. I've been in different countries and I've never seen a legislative body as great as this one. I don't think we realize what is here. I hope that all of you in succeeding days think about this, this unruly bunch, as you walk through the corridors and you see people leaning against the wall with the different badges, crowded committee rooms, there are no creature comforts. There are just people here to do their job and nowhere else that you could possibly imagine people doing this as well as they do in this state.

I only have one request of all of you. I was born in Quincy, Massachusetts, raised in New York, back to Massachusetts, to South Carolina, until I finally came to New Hampshire. With your permission, in the future, if people ask me where I'm from, I will say I'm from New Hampshire. Thank you.

### UNANIMOUS CONSENT

Rep. Holden addressed the House.

Without objection, the Speaker ordered that the remarks of Rep. Holden be printed in the Permanent Journal.

Rep. Holden: Thank you, Mr. Speaker. Thank you, members of the House. Today this House passed a bill, House Bill 1471, which would create a memorial for those innocent people who were murdered on September 11<sup>th</sup>. I'm not here to discuss House Bill 1471, but rather to simply say, thank you. Thank you to my colleagues who co-sponsored this on both sides of the aisle; thank you to the Public Works committee whose only concern was that this bill be done properly; and most importantly, thank you to you, every member of this House. I'm sure that our colleagues on the other side of this wall will work as quickly and conscientiously as we have to get the Governor to sign this so that we can say to our country and to the world, and most importantly, to the families and friends of the victims, that we will always remember and we shall never forget what happened. Thank you, again.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:15 p.m.

### RECESS

(Rep. Clegg in the Chair)

### ENROLLED BILL AMENDMENT

**HB 498**, exempting the Connecticut Lakes Headwaters Tract from the real estate transfer tax.

### Amendment (3072-EBA)

Amend section 1 of the bill by replacing line 7 with the following:

organization. Any non-exempt seller, grantor, assignor, transferor, or purchaser of any real estate or  
Adopted.

### RECESS

**(Rep. Millham in the Chair)**  
**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 498, 1136, 1222, and 1384.

Rep. Clegg, Sen. Wheeler for the Committee

**RECESS**

**(Rep. Calawa in the Chair)**  
**RESOLUTION**

Rep. Edwin Smith offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 433, 436, 437, 440, 441, 443, 444, 445, 447, 451, 452, 453, and Senate Concurrent Resolutions numbered 3 and 4 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS**

**First, second reading and referral**

**SB 433**, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases. (Children and Family Law)

**SB 436**, allowing municipalities to adopt a lower interest rate charged on property tax payments made for property redemptions. (Municipal and County Government)

**SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems. (Resources, Recreation and Development)

**SB 440**, relative to rules for water conservation. (Resources, Recreation and Development)

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications. (Executive Departments and Administration)

**SB 443-FN**, relative to the division of condominiums. (Commerce)

**SB 444**, relative to parents in the classroom. (Education)

**SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility. (Children and Family Law)

**SB 447**, requiring the real estate commission to create an agency disclosure form and an agency informational brochure. (Commerce)

**SB 451**, relative to the shoreland protection act. (Resources, Recreation and Development)

**SB 452**, relative to fines for violations of the shoreland protection act. (Resources, Recreation and Development)

**SB 453**, relative to setbacks in the shoreland protection act. (Resources, Recreation and Development)

**SCR 3**, expressing the fundamental importance of public health to the people of New Hampshire. (State-Federal Relations and Veterans Affairs)

**SCR 4**, relative to prescription drug patient assistance programs. (State-Federal Relations and Veterans Affairs)

**RECESS**

**(Rep. John Flanders in the Chair)**  
**SENATE MESSAGES**  
**CONCURRENCE**

**HB 419**, apportioning delegates to state party conventions.

**HB 420**, apportioning state representative districts.

**HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways.

**HB 567**, extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

**HB 1120**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough.

**HB 1132**, relative to grip height on motorcycles.

**HB 1171**, relative to organic food production.

**HB 1256**, relative to Clark Pond Road in the town of Haverhill.

**HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program.

**HB 1434**, lowering the minimum medical cost coverage for motor vehicle liability policies.

### **CONCURRENCE WITH AMENDMENTS**

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

**SB 182-FN-A**, establishing a brain injury program and making an appropriation therefor

### **ENROLLED BILL AMENDMENT**

#### **Amendment (3041-EBA)**

**HB 137**, establishing a committee to study the definition of domicile for voting purposes.

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the definition of domicile for voting purposes and making a technical correction.

Amend section 5 of the bill by replacing line 3 with the following:

senate clerk, the governor, and the state library on or before November 1, 2002.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Aeronautics Act; Effective Date Amended. Amend 2002, 6:5 to read as follows:

6:5 Effective Date. This act shall take effect July 1, ~~2001~~ 2002.

7 Aeronautics Act; Effective Date; Legislative Intent. The legislature intended HB 317-FN (2002, 6), relative to the New Hampshire Aeronautics Act, to take effect on July 1, 2002. There was no legislative intent that the act apply retroactively to July 1, 2001 or to any period of time between July 1, 2001 and July 1, 2002.

Adopted.

### **RECESS**

**(Rep. Foster in the Chair)**

### **ENROLLED BILL AMENDMENT**

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home. (Amendment printed SJ 3-21-02)

Adopted.

### **RECESS**

**(Rep. O'Neil in the Chair)**

### **RESOLUTION**

Rep. Morse offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 455 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF SENATE BILL**

#### **First, second reading and referral**

**SB 455-FN-A**, relative to funding for district and probate court security. (Finance)

### **RECESS**

**(Rep. Peter Sullivan in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 137, 266, 420, 494, 1120, 1256 and 1337 and Senate Bills numbered 1, 102, 328 and 413.

Rep. Nowe, Sen. D'Allesandro for the Committee

### **RECESS**

**(Rep. Herman in the Chair)**  
**SENATE MESSAGE**

**CONCURRENCE**

**HB 379**, apportioning the executive council districts.

**ENROLLED BILL AMENDMENTS**

**HB 463-FN**, relative to protective services to adults.

**Amendment (3150-EBA)**

Amend RSA 161-F:57 as inserted by section 7 of the bill by replacing lines 6-10 with the following: devise or implement a service plan, ~~for~~ *to a facility and the appropriate licensing authority or authorities for an incident occurring within a facility, as defined in RSA 151, to the extent necessary to protect the victim or other facility residents or to comply with state or federal law, to local law enforcement*, the department of justice, or a county attorney, pursuant to RSA 161-F:51, II, *or to any court in any proceeding where the welfare of the alleged victim or*  
Adopted.

**HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents and making a technical change.

**Amendment (3152-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Statement of Purpose. It is the intent of this act to assure, to the greatest extent possible, the Amend section 1 of the bill by replacing line 5 with the following:

residents equal opportunities to become physicians. Further, it is the intent of this act to decrease Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect upon its passage.  
Adopted.

**HB 1171**, relative to organic food production.

**Amendment (3145-EBA)**

Amend RSA 426:6 as inserted by section 1 of the bill by replacing lines 2-4 with the following: commodity produced in accordance with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

Amend RSA 426:6-a as inserted by section 2 of the bill by replacing lines 2-4 with the following: not be sold or labeled as organic unless it meets the requirements set forth in the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

Amend RSA 426:6-b, I as inserted by section 3 of the bill by replacing lines 5-6 with the following: Agriculture in accordance with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part

Amend RSA 426:6-b, II as inserted by section 3 of the bill by replacing lines 3-4 with the following:

Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205, and to implement the provisions thereof.

Amend RSA 426:6-b, III as inserted by section 3 of the bill by replacing it with the following:

III. The commissioner may employ inspectors to certify agricultural producers, processors, and handlers in this state, and to determine whether or not agricultural plant, animal, food, or fiber commodities are marked, branded, or labeled in accordance with the labeling requirements set forth in this chapter and in the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

Adopted.

**SB 362**, relative to the membership and duties of the New Hampshire film and television commission. (Amendment printed SJ 3/21/02)  
Adopted.

RECESS

**(Rep. Pilliod in the Chair)**  
**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 141, 419, 567, 1132 and 1434 and Senate Bills numbered 3, 306 and 394.

Rep. Nowe, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Whalley in the Chair)**

Rep. Scanlan moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 11

Thursday, April 4, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Michael D. Whalley.

Prayer was offered by Guest Chaplain, The Reverend Dr. Robert E. deWetter, Assistant to the Rector of Saint Paul's Episcopal Church in Concord.

Dear God, give us strength to live another day. Let us not turn coward before its difficulties or prove recreant to its duties. Let us not lose faith in other people. Keep us sweet and sound of heart, in spite of ingratitude, treachery or meanness. Preserve us from minding little stings or giving them. Help us to keep our hearts clean and to live so honestly and fearlessly that no outward failure can dishearten us or take away the joy of conscious integrity. Open wide the eyes of our souls that we may see good in all things. Grant us this day some new vision of thy truth. Inspire us with the spirit of joy and gladness and make us the cup of strength to suffering souls. And finally, dear God, we pray this day especially for our University of New Hampshire hockey team, in your name. Amen.

Rep. Alf Jacobson led the Pledge of Allegiance.

The National Anthem was sung by Lydia Parison of New Ipswich.

### LEAVES OF ABSENCE

Reps. Chabot, Lyman, Owen, Quimby, Rowe and Stohl, the day, illness.

Reps. Arndt, Crosby, DePecol, Edwards, Hopper, William Johnson, Lessard, Knowles, Martin, Marsha Pelletier, Rodrigue, Rozek, Tholl, Thompson, Torressen and Ward, the day, important business. Reps. Chandler, Estabrook, Flint, Jane Kelley, Landers and Carol Moore, the day, illness in the family.

### INTRODUCTION OF GUESTS

Ruth Ann Williams, guest of Rep. Burt Williams. Lt. Robert Boyce, guest of Rep. Boyce. Estelle and Daryl Czech, mother and wife of Rep. Czech. Charles Bowen, guest of Rep. Power. Diane Swasey, guest of Rep. Carol Williams. Christine Dasey, guest of Rep. Marilyn Fraser. Katlyn Dasey, guest of Rep. Bouchard. Joe Leddy, Cathy Creed, Jeff Osborne and Lyn Rowell, guests of Rep. Burney. Judy LaForrest, Brenda Hogan, Patricia Banard and Kathy Dodge, guests of Rep. Dyer. James, Margaret, Matthew, Jim, David and Philip Parison, son, daughter-in-law and grandchildren; Lynda, Amanda, Joel and Seth Ryan, grandchildren; Christian and Cobe Lassar, grandchildren; Steven, Daniel and Tricia Spaulding, nephews and niece; Elaine Cates, sister, Jennifer Gosseling, Shirley Jean, wife; all guests of Rep. Loren Jean. Members of North Conway Boy Scout Troop 150, guests of Speaker Chandler.

### SPECIAL GUESTS

Delegation from the Republic of Azerbaijan, participants in the Democracy Engaged Program sponsored by United States Department of Defense and University of New Hampshire, guests of the House.

Rep. Avery introduced Hon. George Ferguson, Her Majesty's Consul General for New England, and Ralf Hartwell, designer of the New Hampshire Tartan, guests of the House. Pipe Major Gordon Webster, his son, Campbell Webster, pipers Alexander Aird, Stuart Calder, William Allen and Andrew Chasse and Highland dancers from the New Hampshire School of Scottish Arts, guests of the House.

Rep. Rosen moved that the remarks made by Rep. Avery be printed in the Journal.  
Adopted.

### REMARKS

Rep. Avery: Thank you, Mr. Speaker. Today, my fellow representatives, as we have done for the past five years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the

Declaration of Arbroath, the document that was signed on April 6<sup>th</sup> in the year 1320 declaring Scottish Independence and a document many credit as being a model for our own United States Declaration of Independence. It is also the second anniversary of the new Scottish Parliament that was dormant for over 250 years.

Mr. Speaker, the most important phrase of that historical document is especially important today. "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." After September 11<sup>th</sup>, these words take on a new and special meaning for all Americans. Today we take special note of the men and women of the American and allied armed forces, especially those who are fighting in the war against terrorism, and other forces of all nationalities who are today fighting for these same principles of freedom from terrorism and freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Pipe Major Gordon Webster piped "Flowers of the Forest" and "Amazing Grace" in memory of Reps. Bonnie L. Patria, Walter J. Mikowski, Ronald G. Russell, David G. Poulin and James A. Whittemore.

### COMMUNICATION

March 22, 2002

Gene Chandler, Speaker of the House

With deep regret I must offer my resignation from the New Hampshire House as of March 29, 2002. This date indicated will allow me to finish business I have in committee and the obligation to testify before Senate committees.

My wife and I will relocate to Colorado on March 30<sup>th</sup> but leave with you and the members of the legislature our best wishes for the future as they guide this great state.

Kindest regards, Donald B. White, Hills 25

### UNANIMOUS CONSENT

Without objection, Rep. Teschner requested unanimous consent of the House.

Rep. Salts requested that the remarks of Rep. Teschner be entered into the Journal.

Without objection, the Chair ordered the remarks of Reps. Teschner, Burling and Scanlan to be printed in the Journal.

Rep. Teschner: Thank you, Mr. Speaker. Four years ago, after five terms, I gave a speech up here and I announced that I wasn't going to run again. After two years out, when I did, there were quite a few members here who remembered that speech and gave me kind of a hard time about being back so soon. Well, this kind of falls into the *déjà vu* category, too, particularly because this will probably be my last session day. I got a call in October asking me if I would consider going to Rwanda, which is a small country in east central Africa, to work with the parliament over there as part of the United States government's foreign aid democracy building initiative. My first reaction was, of course, I'm not going to go. But they called me back and I started thinking about it, particularly after September 11<sup>th</sup>, and I took a trip out there in December and I was there last month, also. To make a long story short, we're going — the whole family for a year. Rwanda is a small country, it's a very poor African country, it has a very difficult history. There was genocide there in 1994, a million people were killed. When you think about trying to create democracy in that kind of a climate, it's a pretty challenging situation. The parliament building is still bombed out from the 1994 war, parts of it, and there are still shell holes. People there are trying to rebuild the country with very limited resources. They have three Internet connections at the parliament, for example, and they are trying to develop bill tracking systems, research capability. They're trying to figure out how they're going to analyze the budget and be able to really act - not as a rubberstamp for what the government is doing. So those are some of the things I'm going to be working on. I'm delighted to see our guests from Azerbaijan. I think for our country to be supporting democracy in the world is very, very important. You know, we have 200 years of history and I'll be bringing all that history with me, as well as, you're all coming with me - whether you realize it or not. If you can put the airfare together, you have a place to stay. So, this being the US government, you never quite know... we are supposed to leave on Saturday, but we are missing a signature so we're not really sure when we are leaving. I just want to say thank you to everyone and I'll keep you posted on what's going on in Rwanda on the assumption that we actually get that signature and I actually do leave. So, thank you and we'll be in touch.



Rep. Burling: Thank you, Mr. Speaker. I know I speak for each and every member of this House when I wish our colleague Godspeed and good luck. We wish you a safe journey and I can't tell you how proud of you we all are. This is an extra special effort and thank you for making it.

Rep. Scanlan: Thank you, Mr. Speaker. I want to echo the words of my colleague across the aisle. This is emotional for me because, Doug, you have been a great friend. He has done outstanding things for his district in Haverhill. When you think of the Glencliff Home, Bedell State Park, Lake Tarelton, his constituents are very proud of him. I think as a House we should be proud of him also because of the great things he has done quietly with this House in small and in big ways in trying to educate us in how to become better legislators, as coordinator of the Continuing Education committee and his past experience with new legislator orientation. Doug, all I can say is Godspeed and come back quickly.

### **MOTION TO VACATE**

Rep. Gilman moved that the House vacate the reference of **SB 381**, relative to the employee benefits of employees of the Pease development authority, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

The Chair referred the bill to the Committee on Executive Departments and Administration.

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 463, 1131, 1171, and Senate Bill numbered 362.

Rep. Nowe, Sen. D'Allesandro for the Committee

### **ENROLLED BILL AMENDMENTS**

**HB 379**, apportioning the executive council districts.

#### **Amendment (3220-EBA)**

Amend RSA 662:2, I as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Bartlett, Belmont, Center  
Amend RSA 662:2, I as inserted by section 1 of the bill by replacing line 6 with the following:  
Wakefield, and Wolfeboro and the cities of Claremont and Laconia.

Amend RSA 662:2, II as inserted by section 1 of the bill by replacing line 8 with the following:  
Washington, Weare, Webster, Westmoreland, Wilmot, and Windsor and the cities of Concord, Franklin,  
Adopted.

### **SENATE MESSAGES**

#### **REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.(Amendment printed SJ 03/14/02)

Rep. Peterson moved that the House concur.

Adopted.

**HB 1414-FN-L**, relative to taxation of excavation areas.(Amendment printed SJ 3/21/02)

Rep. Alukonis moved that the House concur.

Adopted.

**HB 134**, permitting challenges to judges. (Amendment printed SJ 1/31/02)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Reid, Loren Jean, Wall and Phyllis Woods.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 338**, relative to ex parte orders in domestic relations cases. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill requires those seeking a restraining order in domestic relations cases to present specific facts about the expected harm. It also requires the party seeking the order to show an attempt to notify the affected party of a hearing. Vote 13-0.

**SB 370**, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: RSA 384:5-A II (a) addresses certain exceptions to the basic concept of who can serve in dual roles in the financial community. The exception, among others, is one who holds office in more than one financial institution as of July 1, 1971. By the terms of SB 370 this exception to the conflict of interest law would now be repealed. Vote 11-0.

**SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: The bill adds a definition of "demand draft" to Article 3 of the Uniform Commercial Code, and extends the presentment and transfer warranties in Articles 3 and 4 to include persons who transfer or present demand drafts for payment. The change effectively shifts the burden of loss in demand draft fraud cases from the payer bank to the depository bank. Vote 11-0.

**Amendment (2982h)**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 - 10 to read as 2 - 11, respectively:

1 Negotiable Instruments; Definitions; Demand Draft Added. Amend RSA 382-A:3-103(b) to read as follows:

(b) Other definitions applying to this Article and the sections in which they appear are:

- "Acceptance" Section 3-409.
- "Accommodated party" Section 3-419.
- "Accommodation party" Section 3-419.
- "Alteration" Section 3-407.
- "Anomalous indorsement" Section 3-205.
- "Blank indorsement" Section 3-205.
- "Cashier's check" Section 3-104.
- "Certificate of deposit" Section 3-104.
- "Certified check" Section 3-409.
- "Check" Section 3-104.
- "Consideration" Section 3-303.
- "Demand Draft" Section 3-104
- "Draft" Section 3-104.
- "Holder in due course" Section 3-302.
- "Incomplete instrument" Section 3-115.
- "Indorsement" Section 3-204.
- "Indorser" Section 3-204.
- "Instrument" Section 3-104.
- "Issue" Section 3-105.
- "Issuer" Section 3-105.
- "Negotiable instrument" Section 3-104.
- "Negotiation" Section 3-201.
- "Note" Section 3-104.
- "Payable at a definite time" Section 3-108.
- "Payable on demand" Section 3-108.
- "Payable to bearer" Section 3-109.
- "Payable to order" Section 3-109.
- "Payment" Section 3-602.
- "Person entitled to enforce" Section 3-301.
- "Presentment" Section 3-501.
- "Reacquisition" Section 3-207.
- "Special indorsement" Section 3-205.

"Teller's check" Section 3-104.

"Transfer of instrument" Section 3-203.

"Traveler's check" Section 3-104.

"Value" Section 3-303.

**SB 186-FN**, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: SB 186-FN would allow county attorneys to grant police powers to their investigators. This is currently done by the county sheriff. Should a county attorney investigator make a felony arrest, the investigator makes a report to the deputizing sheriff. The testimony from the county attorney indicated that the sheriff does not need to be included in the report. The sheriffs disagree. It raised a number of concerns from the law enforcement community and there were a large number of people in attendance at the hearing voicing their positions both pro and con. Likewise, the sub-committee meeting drew a large group of people expressing their views. Given the time constraints and the complexity of the issues, it was the unanimous vote of the Committee to refer this bill to interim study so that all of the issues can be addressed and given the full consideration they deserve. Vote 11-0.

**SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: With input from sugar producers, the Division of Forests and Lands, and the Department of Revenue Administration, this bill more precisely defines a sugar orchard and clarifies taxation of such sugar orchards. Vote 14-0.

#### **Amendment (3089h)**

Amend the bill by replacing section 3 with the following:

3 Release From Taxes Clarified. Amend RSA 79:2 to read as follows:

79:2 Release From Taxes. All growing wood and timber except fruit trees, sugar orchards, nursery stock, Christmas trees, and trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, ~~[which shall not be subject to the yield tax;]~~ shall be released from the general property tax ~~[and the school tax in unincorporated places provided for in RSA 198:16]~~, but the land on which such growing wood and timber stands shall be assessed. *Fruit trees, nursery stock, Christmas trees, trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, and trees harvested from sugar orchards for the purpose of enhancing maple sap production, shall not be subject to the yield tax under RSA 79:3.*

**SB 309-FN**, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill, as amended, will provide for medical benefits for all Group II members of the retirement system injured in the line of duty who became members of their respective group up to and including July 1, 2003. While this bill is usually submitted every two years, the amendment extends it for a single year to accommodate police in addition to firemen and the reduced funding level available for the respective special accounts. Vote 15-0.

#### **Amendment (3005h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to payment of medical benefits costs for disabled group II members of the retirement system.

Amend the bill by replacing section 1 with the following:

1 Group II Disabled Members; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed not less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993,

are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, [2002] 2003 or permanent firemen members of group II before July 1, [2002] 2003. Such additional benefits shall not apply to other persons who become members of group II after ~~[June 30, 2002]~~ *the dates stated in this paragraph*, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill extends the years of eligibility of group II disabled members for the payment of medical benefits costs by the retirement system.  
Referred to Finance.

**SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The subject matter in senate bill was covered in HB 1203 with amendment; therefore, this bill was not needed. The committee had been approached about 2 non-germane amendments that dealt with Executive Departments and Administration subject matter. These two subjects were combined into one amendment and after a public hearing on both amendments were attached to SB 331-FN. The first amendment dealt with increasing the number of alternates on the Joint Legislative Committee on Administrative Rules. The amendment increased the alternates from two to five from both the house and senate. This will insure a quorum being present for each monthly hearing. The second portion of the amendment deals with change in nomenclature for certain positions in the Department of Health and Human Services. The fiscal committee had the power to make technical changes in the “Hay Group” salary structure of the unclassified members. The committee felt this change was beyond their authority to do and should be done through legislation. The amendment changes the present position designations to the new system. There is not fiscal effect on the budget of state, county or local funds. Vote 12-0.

Amendment (3112h)

Amend the title of the bill by replacing it with the following:

AN ACT changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules.

Amend the bill by replacing all after the enacting clause with the following:

I Unclassified Officers; Health and Human Services Position Titles Removed. Amend RSA 94:1-a, I(c) by deleting the following from:

- I. Grade CC:
  - CC Department of health and human services, office of administration service specialist
- II. Grade DD:
  - DD Department of health and human services program specialist
  - DD Department of health and human services administrator, strategic planning
- III. Grade EE:
  - EE Department of health and human services assistant director
- IV. Grade GG:
  - GG Department of health and human services, office of the commissioner director of special projects
  - GG New Hampshire hospital assistant superintendent professional SE
- V. Grade HH:
  - HH Department of health and human services, division of behavioral health physician in charge

2 Unclassified Officers; Health and Human Services Position Titles Added. Amend RSA 94:1-a, I(c) by inserting the following in:

I. Grade DD:		
DD	Department of health and human services	systems analyst
DD	Department of health and human services	legal services director
II. Grade EE:		
EE	Department of health and human services	administrator of finance
EE	Department of health and human services	senior systems analyst
III. Grade FF:		
FF	Department of health and human services	director of MMIS
IV. Grade HH:		
HH	Department of health and human services	director of application management
HH	New Hampshire hospital	director

3 Application. Any increase in salary for a person holding a position amended by sections 1 and 2 of this act shall have such new salary made applicable retroactive to December 28, 2001.

4 Salary Structure for State Officers; Codification of Technical Corrections. Amend 2001, 158:107 to read as follows:

158:107 Authority for New or Omitted Positions or Technical Corrections. The commissioner of the department of administrative services shall have the authority to submit any unclassified positions created in any act which becomes law during the 2001 legislative session or any existing unclassified position omitted from RSA 94:1-a as amended by this act, or technical corrections to agree with the final report of the consultant, after consultation with the consultant on employee compensation for state officers, to the fiscal committee for approval of the proper placement of the unclassified position in the salary structure for state officers. *The director of legislative services is hereby authorized to make changes to RSA 94:1-a, I(b) to include new positions, existing positions which were omitted, or other technical corrections, as approved by the fiscal committee pursuant to this section. The authority for the director of legislative services to make such changes to RSA 94:1-a, I(b) shall expire upon the printing of the 2002 supplements to the Revised Statutes Annotated.*

5 Joint Legislative Committee on Administrative Rules; Appointment of Alternates. Amend RSA 541-A:2, I to read as follows:

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and [4] 10 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; [2] 5 alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than [one] 3 of whom shall be from the same party; and [2] 5 alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than [one] 3 of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the chair shall designate an alternate member to serve regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a chair and a vice-chair from among its members, provided that the chair shall rotate biennially between the house and senate members.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill makes changes to position titles and salary grades for certain department of health and human services unclassified positions.

This bill allows the director of legislative services to add positions for unclassified state officers which were newly created or omitted from the revised salary structure for state officers or make other technical corrections submitted by the commissioner of administrative services and approved by the fiscal committee.

This bill also increases the number of alternates to the joint legislative committee on administrative rules.

Referred to Finance.

**SB 420-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift investigator. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: The bill, as amended, adds one full time inspector to the division of safety services for the purpose of inspecting recreational rides and lifts as well as investigating problems involving those rides and lifts. With our 138 lifts in 30 ski areas and 420 amusement rides owned by 55 companies, the committee felt that the present staff of 1.5 persons was not adequate to protect the public. Vote 14-0.

#### **Amendment (3023h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making an appropriation for the purpose of hiring a recreational ride and lift inspector.

Amend the bill by replacing all after the enacting clause with the following:

1 Position Established. The position of recreational ride and lift inspector, labor grade 16, is established in the department of safety, division of safety services.

2 Appropriation. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 2003 to the department of safety, division of safety services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of safety, division of safety services. The commissioner of safety shall furnish suitable equipment to the recreational ride and lift inspector out of the sum appropriated herein. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 2002.

#### **AMENDED ANALYSIS**

This bill makes an appropriation to the department of safety, division of safety services for the purpose of hiring a recreational ride and lift inspector.

This bill is a request of the department of safety.

Referred to Finance.

**SB 434**, establishing the duties of the fish and game commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vincent E. Greco for Fish and Game: This bill as amended describes the duties of the Fish and Game Commission. Bill is the result of a three year Senate Study Committee and a Managerial Study on Policies and Procedures by the Fish and Game Commission. The Commission has instituted a new Policy Manual and intends to further establish a method of budget review that makes the original bill redundant and inflexible. Vote 15-0.

#### **Amendment (2986h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game Commission; Duties and Responsibilities. Amend RSA 206 by inserting after section 7 the following new section:

206:7-a Duties and Responsibilities.

I. In addition to other duties provided by law, it shall be the duty of the fish and game commission as the citizens' representatives to be the steward of the fish, wildlife, and marine resources of the state of New Hampshire and to set broad policy which will guide the fish and game department in the following matters:

(a) Conserving, protecting, and managing wildlife populations and habitat, collecting necessary scientific information and enforcing fish and game laws for the purpose of sustaining healthy populations of fish, wildlife, and marine resources.

(b) Developing, funding, and implementing a long range strategic plan to direct the operation of the fish and game department.

(c) Acquiring, developing, and maintaining public access to lands and waters for recreational use consistent with New Hampshire laws and rules.

(d) Educating the public, building awareness, and encouraging support for department programs and objectives.

(e) Establishing positions on all proposed legislation that directly affects fish and wildlife resources and the overall management of the fish and game department.

II. It shall be the duty of the commission to nominate the executive director in accordance with RSA 206:8,I(a).

2 Technical Changes; Subparagraphs Designated. Amend RSA 206:8, 1 to read as follows:

1.(a) The commission, following a comprehensive and equitable search, shall nominate, and the governor and council shall appoint, an executive director of the fish and game department. If the governor and council fail to appoint the nominee, the commission shall nominate another person. Each nominee shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, and restoration of the wildlife resources of the state and shall be a competent administrator.

(b) The executive director shall hold office for a term of 4 years from the date of appointment and until a successor is appointed and qualified. Notwithstanding RSA 21:33-a, a vacancy in such office shall be filled for a 4-year term from the date of appointment. The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges and afford an opportunity of being heard publicly in person or by counsel after being given not less than 15 days notice.

(c) The executive director shall not hold any other public office, and shall be entirely devoted to the service of the state in the discharge of the official duties of the position. The executive director shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of official duties. Before entering upon the duties of the office, the executive director shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that no other public office is held nor any position under any political committee or party is held. Such oath shall be filed with the secretary of state.

(d) The executive director shall have general supervision and control of all activities, functions, and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources, and marine species, and shall exercise all necessary powers incident thereto.

3 References to Committees Changed. Amend RSA 206:9-b to read as follows:

206:9-b Annual Report; Moose and Bear Management Funds. The executive director shall submit an annual report by October 1 beginning with fiscal year 1995, to the fiscal committee, the chairperson of the *appropriate* house [~~wildlife and marine resources~~] committee, and the chairperson of the *appropriate* senate [~~fish and game/recreation~~] committee relative to all receipts and disbursements in the moose management fund established in RSA 208:1-a, III and the bear management fund established in RSA 208:24, IV. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements regarding such funds. After submission to the general court, the report shall be available to the public.

4 Hearings; Commission References Added. Amend RSA 206:11 to read as follows:

206:11 Hearings to Receive Suggestions From the Public. Once each biennium, in the odd-numbered year, the executive director *and the commission* shall hold public hearings to hear suggestions from the public on changes in the fishing rules or on any other subject with respect to [~~his~~] *the department's* duties. Such hearing shall be held in Concord and in Lancaster. Public notice of said hearings shall be published at least twice in 2 newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the executive director *or the commission* may deem desirable. It shall be the duty of the members of the commission to be in attendance at such hearings. The executive director may [~~in his discretion~~] conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that [~~the executive director shall hold~~] *are held* in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the executive director under the provisions of this title shall be given full opportunity to be heard, and the executive director shall cause a complete record to be kept of all testimony taken.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes the duties of the fish and game commission as the steward of the fish, wildlife, and marine resources of the state.

**SB 320**, establishing a study committee to review independent living retirement communities. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to review independent living retirement communities. Its duties would be to re-

view the operations of the retirement communities to determine: if there is a need for an oversight committee; if a better definition is required; if advertising and marketing strategies are appropriate; if written guarantees to seniors are required; and, if formulas used to establish entrance fees need revision. Vote 17-0.

**SB 400**, establishing a committee to study issues concerning the Poison Information and Control Center. **OUGHT TO PASS**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to address issues confronting the Poison Information and Control Center at Dartmouth Hitchcock Medical Center. The study shall include, but not be limited to, these three areas: (1) should the Center become certified; (2) should a clinical toxicologist be hired solely for the Center; and (3) to examine sustainable funding mechanisms for the Center. Last year the Center had 17,141 contacts and the Health and Human Services and Elderly Affairs Committee finds this to be an important service in the state and warrants a study committee to examine these issues. Vote 16-0.

**SB 368**, granting probate courts the power to issue attachments and levies of execution. **OUGHT TO PASS**

Rep. Larry G. Elliott for Judiciary: This bill gives Probate Courts the same powers that Superior Courts now have to issue attachments and levies of execution on real and personal property in cases within their jurisdiction. The Probate Courts were given many of the powers of the Superior Courts in the past and these necessary powers were inadvertently omitted in prior legislation. The procedures for levies and attachments exist in other statutes already on the books. Vote 16-0.

**SB 369**, relative to compensation of guardians and conservators for administrative expenses. **OUGHT TO PASS**

Rep. Peter S. Espieffs for Judiciary: Under RSA 554:19, "Priority of Charges", the estate of a decedent is first chargeable with "the just expenses of the administration". This assures that the administrator or executor of the decedent will be reasonably compensated for his or her services in performing the necessary task of administering a decedent's estate. However, there is no similar provision of law protecting the services performed by guardians or conservators of incapacitated or disabled persons under RSA 464-A, which addresses guardianships and conservatorships. Consequently there are many instances where the funds of the incapacitated or disabled ward are expended to a degree that little or nothing remains for payment of the guardian or conservator. This situation has discouraged many from undertaking guardianships and conservatorships, with resulting hardship to persons needing these services. This bill is good public policy because it encourages persons to undertake the necessary administration of the affairs of incapacitated and disabled individuals by providing assurance that compensation for their services will be considered a priority charge of the ward's estate. Further, the estate is protected because all guardian and conservator compensation is routinely subject to Probate Court approval. Vote 16-0.

**SB 435-FN**, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill requires the Supreme Court to set up a pilot program in the Keene District Court which would allow for people facing misdemeanor charges who have been identified as mentally ill to be diverted from the criminal justice system into an appropriate mental health treatment program or service. The term "mentally ill" would include drug and alcohol addiction for the purpose of this program. The rules under which the program will function will be made by a committee reporting to the Supreme Court and it is intended that input will be obtained from the District Court and law enforcement, and the local mental health provider community. The bill also creates a legislative oversight committee consisting of three members of the House and three members of the Senate who will make recommendations on continuing, funding and expansion of the program to other counties. Vote 15-0.

Referred to Finance.

**SB 411**, extending the reporting dates of certain study committees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: The committee recognized the need to extend the reporting dates of the following study committees: Affordable Housing Commission;



Juvenile Shelter Care Facilities Commission; and the Temporary Assistance to Needy Families and Post Secondary Education Study Committee. This bill extends the report date to November 1, 2002. Vote 14-0.

**SB 177-FN-L**, relative to computation of tax increments in municipal economic development and revitalization districts. **REFER FOR INTERIM STUDY**

Rep. James E. Twombly for Municipal and County Government: Tax Increment Finance Plan (TIF's) districts authorized in RSA 162 have been successful in revitalizing and encouraging economic development in towns and cities that have adopted them. As the property in a TIF district is improved, the property value increases and the tax on this increased value is dedicated to pay off the bonded debt incurred by the community to finance the improved infrastructure. The Statewide Property Tax eliminates the local incentive to adopt a TIF district. This bill was introduced to rectify the situation. Working closely with the Department of Revenue Administration and interested communities, it was determined that this bill as written needs work. The committee did not have the time to develop the correct bill and is therefore, recommending Interim Study. Vote 12-0.

**SB 406**, relative to animal control and animal population control fees for cats. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: Any resident of the state that has adopted a dog or cat from an animal shelter as defined in RSA 437:2 is eligible to participate in the spay/neuter program. This bill increases the fee from \$10.00 to \$15.00 for eligible participants who are enrolled in various non-profit programs. Vote 12-1.

#### Amendment (3095h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to animal control.

Amend the bill by replacing all after the enacting clause with the following:

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, *and such person pays a fee of \$30*. The sterilization shall be performed by a participating veterinarian, ~~and the fee for the operation shall be \$25~~.

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of ~~[\$10]~~ *\$15*:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The ~~[Aid to Families with Dependent Children]~~ *Temporary Assistance for Needy Families* Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

2 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters.

**SB 356**, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith. **OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: SB 356 will authorize a presently nameless body of water in Lake Winnepesaukee to be named "Hubbard Bay." The name

"Hubbard" appears on several other landmarks in the vicinity of the bay and is attributed to the historic farm estate owned by the Hubbard family. All testimony at the hearing was in support of this legislation. Vote 15-0.

**SB 361-FN**, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill establishes a committee to study the feasibility of developing a computerized emergency warning system using the enhanced 911 database. The system could provide telephone subscribers with early emergency warnings. The committee agreed with the concepts involved and feels that a study committee would evaluate among other things, the cost/benefit scenarios of such a system. Vote 14-0.

**SB 446**, relative to rights and protections for New Hampshire national guard members called to state active duty. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: As a result of the attacks on this country on 9/11 some changes are needed to keep whole those citizen soldiers who are protecting us. Those members of the guard who are called to duty by the state currently are not offered the same benefits, privileges and protections in employment as if they were called by the federal government when members are called for a period longer than thirty (30) days. This bill will protect these soldiers as provided by the Uniformed Services Employment and Re-employment Act. Vote 14-0.

**SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle. Additionally, this bill corrects the fees for special motorcycle licenses and motorcycle endorsements. Last year when we passed the added fees for driver licenses, we overlooked the impact on first time motorcycle endorsement. The amendment corrects this issue. This bill also changes the title of the Motor Vehicles Inspectors to Highway Patrol and Enforcement Officers. These amendments are at the request of the Department of Safety Vote 12-0.

#### **Amendment (2987h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors.

Amend the bill by replacing sections 2-3 with the following:

2 Registration of Vehicles; Special Number Plates for Veterans; Veterans Awarded the Purple Heart. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section, *except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.*

3 Driver's License Fees; Special Motorcycle License and Motorcycle Endorsement. Amend RSA 263:42 to read as follows:

I. For each youth operator's or original driver's license and examination or driver's license renewal, other than for a commercial vehicle *or motorcycle*- \$50; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; *for each special motorcycle original license and examination or special motorcycle license renewal- \$50; for each original motorcycle en-*

**dorsement- \$25; for each motorcycle endorsement renewal- no charge.** For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

### AMENDED ANALYSIS

This bill:

I. Changes the title of motor vehicle inspectors to highway patrol and enforcement officers.

II. Establishes fees for special motorcycle licenses and motorcycle endorsements.

III. Allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle.

**SB 312**, relative to quarterly payment of estimated interest and dividends tax. **OUGHT TO PASS** Rep. Vivian R. Clark for Ways and Means: This bill increases the threshold annual tax liability for which quarterly payments of estimated interest and dividends tax are required, from \$200 to \$500. Doing so will reduce paperwork for both the taxpayers and the Dept. of Revenue Administration. Vote 16-0.

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstakes purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The Sweepstakes Commission is perhaps unique in not being able to transfer funds for unexpected personnel expenses with approval of the Fiscal Committee during the biennium. The latest salary and insurance cost raises made this situation untenable. This bill provides them this ability. The amendment limits these transfers to salary and retirement benefits, making the solution fit the problem. Vote 16-0.

### Amendment (3071h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to transfers of funds from the sweepstakes fund for salary and retirement benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Sweepstakes Fund. Amend RSA 284:21-j to read as follows:

284:21-j Establishment.

**I.** The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

**II.** *Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the sweepstakes commission, the commission may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the sweepstakes fund for expenses related to salary and retirement benefits.*

2 Effective Date. This act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill permits certain transfers from the sweepstakes fund to pay for expenses related to salary and retirement benefits, if approved by the legislative fiscal committee and the governor and council.

**SB 388**, relative to bingo game operation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill encourages the restoration of traditional bingo games to the local church and firehouse by allowing bingo volunteers to play bingo only after finishing their work, following a 15-year prohibition on playing at all. It maintains a ban on playing by bingo chairs (callers), treasurers and providers of facilities or equipment. Vote 14-0.

### Amendment (3127h)

Amend the bill by replacing all after the enacting clause with the following:

1 Bingo and Lucky 7; Operation of Bingo Games. Amend RSA 287-E:7, V to read as follows:

V. No ~~[person operating a bingo game and no]~~ **bingo chairperson, bingo treasurer, or** person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date.

2 New Paragraph; Operation of Bingo Games; Exception. Amend RSA 287-E:7 by inserting after paragraph V the following new paragraph:

V-a. A person who volunteers to assist in the operation of a bingo game may play bingo after assisting with the operation of the game; provided that once a person has played bingo on a given date, that person may no longer assist with the operation of the bingo game on that date.

3 Effective Date. This act shall take effect 60 days after its passage.

## REGULAR CALENDAR

**SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The bill as amended allows the Liquor Commission to require vendors of alcoholic beverages to purchase insurance or sufficient security in a minimum amount of \$100,000 for any one person or \$300,000 for all persons per incident. This requirement may be imposed only if a licensee has been found guilty of selling alcohol to a person under the age of 21 or to an intoxicated person twice within a 24-month period. The bill also requires the Liquor Commission to issue a report by July 1, 2005 summarizing the instances in which liability insurance was required and evaluating the effectiveness of this law. Finally, the bill addresses training requirements for one-day licensees and the suspension of licenses when the training requirement is not adhered to. Vote 12-0.

### Amendment (3117h)

Amend the bill by replacing section 1 with the following:

1 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability. Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has twice within 24 months violated RSA 179:5 under circumstances not involving enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant furnish sufficient security for liquor liability of the licensee of up to a limit of \$100,000 for any one person and \$300,000 for all persons per incident. Such security may be provided by:

(a) A continuous certificate of an insurance company or surety company authorized to transact business in this state, attesting to such coverage, which shall remain in effect unless cancelled or non-renewed in accordance with RSA 417-C, with a copy of notice of cancellation or non-renewal provided to the commission; or

(b) The deposit with the commission of money or securities satisfactory to the commission. Such securities shall be of a type which may be legally purchased by a savings bank or trust funds. Money or securities so deposited shall be subject to execution to satisfy judgment for liquor liability, but otherwise shall not be subject to attachment or execution.

II. The commission shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria necessary for a certificate of insurance for liquor liability to be required for the issuance of a liquor license.

Amend the bill by replacing all after section 2 with the following:

3 Liquor Licenses and fees; Training Required; License Suspension. Amend RSA 178:2, V to read as follows:

V. The commission ~~[shall]~~ **may** suspend, **pursuant to RSA 541-A:30, III**, the license of any person who holds a license under the provisions of this chapter for failure to comply with the requirements of paragraph IV. The license shall not be reissued until the required training is completed.

4 Applicability; Insurance for Liquor Liability. No violations of RSA 179:5 occurring prior to the effective date of this act shall be considered by the liquor commission in determining whether to require a licensee or applicant to furnish security pursuant to RSA 178:2-a.

5 Insurance for Liquor Liability; Report by Liquor Commission. The liquor commission shall submit a report by July 1, 2005 to the speaker of the house of representatives, the president of the

senate, and the chairpersons of house and senate committees having jurisdiction over liquor licensing summarizing the commission's implementation of RSA 178:2-a. The report shall include, but not be limited to, a summary of violations of RSA 179:5 during the 3-year periods preceding and following the enactment of RSA 178:2-a, a summary of those cases where the commission has required licensees to furnish security pursuant to RSA 178:2-a including the type of security provided, a description of each type of security available to licensees required to furnish security pursuant to RSA 178:2-a including the cost of each, and an evaluation of the effectiveness of requiring security pursuant to RSA 178:2-a.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide security for liquor liability of the licensee if the licensee or applicant has twice within 24 months violated the prohibition on serving minors or intoxicated persons. The liquor commission is required to file a report by July 1, 2005 summarizing its implementation of this requirement. This bill also requires that a management representative of an applicant for a one-day liquor license attend a training program prior to the effective date of the license, and modifies the provision relating to license suspension for persons failing to complete the required training.

Adopted.

Report adopted and ordered to third reading.

**SB 402-FN-A**, establishing a committee to study long-term care funding and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would create a committee to study the issue of long-term care funding and whether long-term care insurance is a viable option for the state of New Hampshire. The committee recognizes that long-term care is and will continue to be a concern for our senior citizens and an expense for the state, but the committee does not believe that this bill is the proper vehicle nor would it allow enough time to study the many complex facets of this important issue. Vote 11-1. Adopted.

**SB 422-FN**, relative to the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The bill was introduced at the request of the New Hampshire Insurance Department. As amended it has seven sections including provisions relative to the premium tax; life, accident and health; property and casualty; and sales of insurance by financial institutions. In order to be consistent with current market conditions, an additional change reduces the annual annuity interest rate from 3% to 1 1/2%. This is effective only to July 1, 2004 when it will sunset. In the interim, the insurance industry is attempting to find a permanent solution. Beyond what has been reported above, the next section addresses rulemaking authority and finally the concluding sections involves unauthorized/unlicensed insurance and credentialing. Vote 12-0.

### Amendment (3028h)

Amend the bill by replacing section 9 with the following:

9 Continuing Care Communities; Audits. Amend RSA 420-D:23 to read as follows:

420-D:23 Audits. The commissioner or [his] *the commissioner's* agent shall audit the books and records of a facility subject to this chapter [as] *once every 5 years, or more* frequently as [he] *the commissioner* deems necessary to assure the accuracy of reports to him *or her* taking into consideration other independent audits required under this chapter.

Amend the bill by replacing section 14 with the following:

14 Liability Insurance; Rates for Workers' Compensation Insurance; Prohibitions. Amend RSA 412:10 to read as follows:

412:10 Prohibitions.

*I. Subject to paragraph II*, no such insurer shall issue, renew, or carry any insurance against liability under the workers' compensation law at premium rates which are greater or less than or different from those so approved by the commissioner.

*II. Upon the written petition of an insured whose workers' compensation premium prior to the application of this paragraph is at least \$25,000, the commissioner may, for good cause, approve a premium for that insured only which is in excess of the premium the insured would*

*pay in the New Hampshire workers' compensation assigned risk plan. The petition shall specify the reasons why it should be granted and shall include a statement that the insured is aware that coverage could be obtained at a lower rate, in the assigned risk plan. The petition shall be filed no less than 30 days after the effective date of coverage to be provided by the policy rated under this paragraph. The petition shall be deemed approved unless the commissioner, or designee, denies the same within 30 days of filing. The premium approved or deemed approved hereunder shall not exceed the maximum which would be charged based on application of the insurer's highest loss cost multiplier, schedule debit or other approved rating mechanism. Failure to secure approval hereunder shall enable the insurer to cancel the policy upon 30 days notice to the insured, the provisions of RSA 281-A:9 notwithstanding. If the petition is denied, the insurer shall charge no more than the premium rates which would have applied had the insured been written in the assigned risk plan.*

**III. Refusal by a risk to be placed into the assigned risk pool, for whatever reason is not sufficient for consent to rate the insured.**

Amend the bill by replacing sections 26 through 30 with the following:

26 Sales of Insurance By Financial Institutions; Confidential Customer Information. RSA 406-C:9 is repealed and reenacted to read as follows:

406-C:9 Confidential Customer Information. The financial institution shall not disclose any nonpublic customer information, unless such disclosure is consistent with the provisions of the federal Gramm-Leach-Bliley Act and any applicable laws or rules adopted pursuant to RSA 400-A:15, I.

27 Sales of Insurance by Financial Institutions; Separation of Activities. RSA 406-C:7, I is repealed and reenacted to read as follows:

I. A financial institution shall, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public or credit transactions are conducted, identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities or credit transactions occur; provided that this section shall not apply to the sale of credit life insurance, credit accident and health insurance, mortgage life insurance and mortgage disability insurance, credit involuntary unemployment insurance, and private mortgage insurance issued under a certificate of a bank policy.

28 Insurance Companies and Agents; Rulemaking Authority. Amend the introductory paragraph of RSA 402:30-a to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A, **which are reasonable and necessary for the implementation and administration of this chapter** relative to:

29 Reinsurance Intermediaries; Rulemaking. Amend the introductory paragraph of RSA 402-F:11 to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A **which are reasonable and necessary for the implementation and administration of this chapter**, relative to:

30 Preferred Provider Agreements; Rulemaking. Amend the introductory paragraph of RSA 420-C:6, I to read as follows:

I. The commissioner ~~[shall]~~ **may** adopt rules under RSA 541-A **necessary for the implementation and administration of this chapter**, relative to:

Amend the bill by replacing section 42 with the following:

42 Eligibility; High Risk Pool. Amend RSA 404-G:5-e, VI(e) to read as follows:

(e) After the second of 2 successive inquiries made by the plan concerning the person's ~~[eligibility or]~~ place of residence to which the person does not reply, provided the person has 90 days to respond to each inquiry.

43 Application of Provisions of the Insurance Code. Amend RSA 404-G:5-f, II to read as follows:

II. The following provisions of title 37 shall apply to the pool to the extent applicable and **not** inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9—415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G: 11, RSA 420-H, RSA 420-I, and RSA 420-J:3. For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

44 New Paragraph; Minimum Nonforfeiture Amounts; Individual Annuities. Amend RSA 409-A:4 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of this section, for contracts providing flexible considerations issued on or after July 1, 2002 and before July 1, 2004, the rate of interest referred to in paragraph I shall be 1.5 percent per annum of percentages of the net considerations, adjusted in the manner set forth in paragraph I.

45 Rulemaking; Managing General Agents. Amend RSA 402-E:7 to read as follows:

402-E:7 Rulemaking. The commissioner of the insurance department [shatt] *may* adopt rules, under RSA 541-A, necessary for the implementation and administration of this chapter.

46 Rulemaking; Disposal of Assets. Amend RSA 403-A:12 to read as follows:

403-A:12 Rules and Regulations. The insurance commissioner [shatt] *may*, by regulation, prescribe the rules necessary for the administration of this chapter.

47 Rulemaking; Conversion of Mutual Insurers. Amend RSA 403-B:9 to read as follows:

403-B:9 Rules. The commissioner [shatt] *may* adopt rules, pursuant to RSA 541-A, as may be necessary for the administration of this chapter.

48 Rulemaking; Legal Services Insurance. Amend RSA 415-C:7 to read as follows:

415-C:7 Rulemaking. The commissioner [shatt] *may* adopt under RSA 541-A such rules as are necessary to implement the mandates of this chapter.

49 Rulemaking; Delta Dental Plan. Amend RSA 420-F:17 to read as follows:

420-F:17 Rulemaking Authority. The commissioner [shatt] *may* adopt rules in accordance with RSA 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

50 Rulemaking; Portability, Availability and Renewability of Health Coverage. Amend RSA 420-G:14 to read as follows:

420-G:14 Rulemaking Authority. The commissioner [shatt] *may* adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

51 New Subparagraph; Privacy Task Force; Member Added. Amend 2001, 256:8, I(k) by inserting after subparagraph (9) the following new subparagraph:

(10) Retail merchants.

52 Effective Date.

I. Sections 3, 4, 7, 8, 10, 11, 18-23, 44, and 51 shall take effect upon its passage. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**SB 429**, relative to the community technical college system. **REFER FOR INTERIM STUDY** Rep. Steven J. Winter for Education: This bill had considerable support after its initial hearing but it was later discovered that the Executive Departments and Administration Committee has serious concern over some of the provisions contained in it. Although the concept of HB 429 has been the subject of previous studies, it appears that these issues have not been fully resolved. An interim study committee with members from both the Education and ED&A Policy Committees could resolve the conflict and produce a "clean" bill for next session. Vote 7-6.  
Adopted.

**SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. **REFER FOR INTERIM STUDY** Rep. Michael O'Neil for Executive Departments and Administration: This bill would provide a health insurance subsidy to minor children of firefighters retired on a disability pension. This subsidy is presently available only to a certifiably dependant child with a disability living in the household and being cared for by the qualified member, the member's spouse, or the qualified spouse. The funds for this program come from the medical sub trust. The effect of this bill on the medical sub trust is unknown at this time so the committee wished to study the impact upon the medical trust. Vote 9-3.

Rep. Burling spoke against.

Rep. Zolla spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 199 NAYS 151****YEAS 199****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Boyce, Laurie  
Lawton, David  
Rice, Thomas Jr

Czech, Stanley  
Millham, Alida  
Rosen, Ralph

Flanders, Donald  
Nedeau, Stephen  
Russell, David

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

Fairbanks, Chandler  
Roberts, William

**COOS**

Gallus, John

Horton, Lynn

Pratt, Leighton

Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Giuda, Robert  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Christiansen, Lars  
Drisko, Richard  
Flora, Kathleen  
Gleneck, David  
Graham, John  
Herman, Keith  
Leach, Edward  
Messier, Irene  
Peterson, Andrew  
Seibel, Christopher  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Coughlin, Pamela  
Dyer, Merton  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Jean, Loren  
Leishman, Peter  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Dionne, Kimberley  
Elliott, Larry  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Kurk, Neal  
McRae, Karen  
O'Connell, Timothy  
Salts, Greg  
Tate, Joan

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Christensen, D L Chris  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
LaFlamme, Paul  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Leber, William  
Swindlehurst, John

Colcord, J D  
Hager, Elizabeth  
Lockwood, Priscilla  
Winter, Steven

Cummings, Raymond  
Hess, David  
Maxfield, Roy

Dunne, Christopher  
Langer, Ray  
Soltani, Tony

**ROCKINGHAM**

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert

Bowles, Raimond  
Case, Margaret  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers

Boynton, James  
Chalbeck, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis



Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 Palermo, Diane  
 Quandt, Matthew  
 Sloan, Stephen  
 Weyler, Kenneth

Kobel, Rudolph  
 Major, Norman  
 Nowe, Ronald  
 Priestley, Anne  
 Rausch, James  
 Stritch, C Donald  
 Whittier, John

Langley, Jane  
 McKinney, Betsy  
 O'Neil, Michael  
 Putnam, Ed II  
 Robertson, Carl  
 Varrell, Thomas  
 Zolla, William

Langone, John  
 Moore, Benjamin  
 Packard, Sherman  
 Quandt, Marshall  
 Saia, Pamela  
 Welch, David

### STRAFFORD

Albert, Russell  
 Dunlap, Patricia  
 Musler, George  
 Woods, Phyllis

Bickford, David  
 Harrington, Michael  
 Reid, Christopher

Callaghan, Frank  
 Heon, Richard  
 Tsiros, William

Cossette, Larry  
 Kaen, Naida  
 Twombly, James

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 151

### BELKNAP

Dewhirst, Glenn

Wendelboe, Fran

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
 McGuirk, Paul  
 Pratt, John  
 Zerba, Roger

Batchelder, Robert  
 Meader, David  
 Richardson, Barbara

Burnham, Daniel  
 Mitchell, McKim  
 Slack, Pamela Russell

Espiefs, Peter  
 Pratt, Irene  
 Weed, Charles

### COOS

Bradley, Paula

Guay, Lawrence

### GRAFTON

Almy, Susan  
 Lovett, Sid  
 Scovner, Nancy

Benn, Bernard  
 Naro, Debra  
 Sokol, Hilda

Cooney, Mary  
 Nordgren, Sharon  
 Solow, Martha

Gilman, G Michael  
 Pawlek, Marion

### HILLSBOROUGH

Andosca, Mary  
 Cardin, Lori  
 Cote, David  
 Dionne, David  
 Fields, Dennis  
 Gorman, Mary  
 Jean, Claudette  
 Konys, Christine  
 Lynde, Harold  
 Melcher, Harold  
 Panagopoulos, Nicholas  
 Spiess, Paul  
 White, John

Baroody, Benjamin  
 Clayton, William  
 Cote, Peter  
 Drabinowicz, A Theresa  
 Foster, Linda  
 Haley, Robert  
 Johnson, Lionel  
 L'Heureux, Robert  
 Martel, Andre  
 Movsesian, Lori  
 Pepino, Leo  
 Sullivan, Peter  
 Williams, Carol

Bellavance, Paul  
 Clegg, Robert Jr  
 Craig, James  
 Dwyer, Paul  
 Ginsburg, Ruth  
 Hall, Betty  
 Kacavas, John  
 Lasky, Bette  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Schulze, Joan  
 Sweeney, Cynthia

Buckley, Raymond  
 Clemons, Jane  
 Desrosiers, William  
 Eaton, Richard  
 Goley, Jeffrey  
 Holden, Randolph  
 Keye, Harvey  
 Lefebvre, Roland  
 McHugh, Claire  
 Palangas, Eric  
 Shaw, Barbara  
 Tahir, Saghir

### MERRIMACK

Bouchard, Candace  
 Daneault, Gabriel  
 French, Barbara  
 L'Heureux, Stephen  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Davis, Frank  
 Gile, Mary  
 MacKay, James  
 Rodd, Beth  
 Yeaton, Charles

Burney, Carol  
 Fraser, Leo Jr  
 Hutchinson, John  
 Perkins, Randy  
 Rush, Deanna

Clarke, Claire  
 Fraser, Marilyn  
 Jacobson, Alf  
 Potter, Frances  
 Seldin, Gloria

**ROCKINGHAM**

Blanchard, MaryAnn	Bridle, Russell	Clark, Martha Fuller	Coes, Betsy
Corbin, Corey	DiFruscia, Anthony	Downing, Michael	Kane, Cecelia
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Ruffner, Walter
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizz, James
Robb, Amy			

and the report was adopted.

**SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: Group II was originally established to recognize the hazards that police officers and firefighters encounter on the job. The criteria for Group II eligibility has been gradually expanded beyond the hazardous duty positions such of police officers and firefighters. Further analysis of Group II eligibility requirements is needed before the committee can act on the proposal to add criminalists to Group II. Vote 12-3. Adopted.

**SB 393**, relative to expiration of contact lens and corrective lens prescriptions **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: The sponsors of this bill came before our committee with urgent issues which seemed to be relevant to the prescription of contact and corrective lenses plus the expiration dates for those prescriptions. During the debate it became clear that the majority who opposed the bill did so, for fear of both anti-consumerism and competition for consumers but more importantly the possibility of an anti-trust activity because consumers would not have a choice as to where they could refill their prescriptions. Due to all the confusion on both sides of the bill, the committee majority felt it was inappropriate to pass this legislation. Vote 11-7.

Adopted.

**SB 187-FN**, establishing a committee to study eminent domain proceedings. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill establishes a joint House/Senate Committee to study the issues relating to eminent domain which is that process by which the state takes private property. Vote 15-1.

Report adopted and ordered to third reading.

**SB 351**, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: RSA 486-A currently provides public water supplies with financial aid in the form of a 20% or 30% state grant to provide water system upgrades for compliance with the Federal surface Water Treatment Rules. The Department of Environmental services believes that this study to determine if there is a need to expand this program by making hydrogeological investigation costs eligible for state aid grant funding is prudent and may provide long term protection for public water sources. The committee agrees. Vote 11-2.

Report adopted and ordered to third reading.

**SB 315-FN**, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bob Odell for Resources, Recreation and Development: The original legislation would have required non-members of organized snowmobile clubs to pay an additional registration fee of \$30. This would have required resident non-club members to pay an annual registration fee of \$77 per machine, non-resident non-club members would pay \$92 per year per machine. Registration fees for current club members would not increase. The objectives of the original legislation are laudatory: to increase volunteer participation in trail maintenance and development, and to raise funds for the clubs. The committee reviewed options for collecting different levels of fees for club members and non-members, methods insuring integrity in the sale of memberships by registering agents or by remitting a credit to club members from an across the board fee increase, and means by which to increase revenue at the club level. The majority of the committee believes that charging different registration fees based on whether a person is a club member or not was inappropriate and that the collection of fees and sale of club memberships by registering agents would be difficult to manage. To help meet the immediate financial needs of the clubs, the committee recommends a \$10 fee increase on all snowmobile registrations. The estimated \$650,000 of new revenue would be used 100% to lower match percentages required of snowmobile clubs to receive funds from the grant-in-aid program for snowmobile trails development and maintenance. Vote 11-4.

**Amendment (3126h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the OHRV registration fee for snow traveling vehicles.

Amend the bill by replacing all after the enacting clause with the following:

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

1. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] \$55 for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] \$35 for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or \$9.30 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] \$70 for each snow traveling vehicle registration, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] \$46 of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or \$11.10 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

3 Grant-in-aid Program; Bureau of Trails; Fee Increase Designation. The bureau of trails in the department of resources and economic development shall initially use the \$10 fee increase for snow traveling vehicles under sections 1 and 2 of this act for the purpose of lowering the match percentages required of OHRV clubs to receive money under the grant-in-aid program for costs related to

developing, improving, or maintaining trails or facilities used by snow traveling vehicles. The commissioner of the department of resources and economic development shall adopt or amend the grant-in-aid program rules as appropriate.

4 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles and initially designates the revenue to the grant-in-aid program of the bureau of trails in order to lower the match percentages of OHRV clubs receiving money for snow traveling vehicle trail work.

On a division vote, 156 members having voted in the affirmative and 182 in the negative, the amendment failed.

Rep. Roberts offered floor amendment (3140h).

#### Floor Amendment (3140h)

Amend the title of the bill by replacing it with the following:

AN ACT increasing the OHRV registration fee for snow traveling vehicles and exempting persons who are members of an organized snowmobile club from the increased fee.

Amend the bill by replacing all after the enacting clause with the following:

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] **\$75** for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older. *An individual resident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$45 for each snow traveling vehicle.*

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] **\$55** for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or \$9.30 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] **\$90** for each snow traveling vehicle registration, or \$45 for each other OHRV registration. *An individual nonresident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club, which is a member of the New Hampshire Snowmobile Association, shall pay \$60 for each snow traveling vehicle.*

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] **\$66** of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or \$11.10 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

3 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles but exempts persons who are members of an organized snowmobile club from the increased fee.

Reps. Roberts, McGuirk and Guay spoke in favor.  
 Reps. Odell, Royce, and McGuire spoke against and yielded to questions.  
 Rep. Soltani spoke in favor and yielded to questions.  
 Rep. Soltani requested a roll call; sufficiently seconded.  
 The question being adoption of floor amendment (3140h).

**YEAS 176 NAYS 180****YEAS 176  
BELKNAP**

Czech, Stanley	Wendelboe, Fran	Wood, Jane
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**CARROLL**

Bradley, Jeb	Patten, Betsey
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Emerson, Susan
Espiefs, Peter	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Slack, Pamela Russell	Smith, Edwin	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
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**GRAFTON**

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Gabler, William	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda
Solow, Martha			

**HILLSBOROUGH**

Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaFlamme, Paul
Lasky, Bette	Leishman, Peter	Lynde, Harold	Martel, Andre
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Milligan, Robert
Movesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	White, John	Williams, Carol	

**MERRIMACK**

Brewster, Richard	Burney, Carol	Clarke, Claire	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Leber, William	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	DiFruscia, Anthony	Flanagan, Natalie	Johnson, Robert
Johnson, Rogers	Kane, Cecelia	Langone, John	Norelli, Terie

O'Keefe, Patricia  
 Quandt, Marshall  
 Saia, Pamela  
 Weatherspoon, Jacquelyne

Pantelakos, Laura  
 Quandt, Matthew  
 Shultis, Elizabeth  
 Weyler, Kenneth

Pitts, Jacqueline  
 Reardon, Neil  
 Splaine, James

Power, Lucille  
 Ruffner, Walter  
 Trueman, Raymond

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Grassie, Anne  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Bickford, David  
 Dunlap, Patricia  
 Hughes, Christopher  
 Proulx, Raymond  
 Snyder, Clair  
 Woodill, Rodney

Brennan, William  
 Ferland, Paul  
 Kaen, Naida  
 Reid, Christopher  
 Spang, Judith

Callaghan, Frank  
 Goodwin, Earle  
 McCarthy, Gerald  
 Rollo, Michael  
 Taylor, Kathleen

### SULLIVAN

Allison, David  
 Harris, Joseph  
 Robb, Amy

Burling, Peter  
 Harris, Sandra

Cloutier, John  
 Leone, Richard

Ferland, Brenda  
 Phinizy, James

### NAYS 180

### BELKNAP

Bartlett, Gordon  
 Holbrook, Robert  
 Pilliod, James  
 Thomas, John

Boyce, Laurie  
 Lawton, David  
 Rice, Thomas Jr

Dewhirst, Glenn  
 Millham, Alida  
 Rosen, Ralph

Flanders, Donald  
 Nedeau, Stephen  
 Russell, David

### CARROLL

Babson, David Jr  
 Philbrick, Donald

Dickinson, Howard  
 Stevens, Stanley

Kenney, Joseph  
 Sullivan, P Judith

Mock, Henry

### CHESHIRE

Avery, Stephen  
 Liebl, George

Dexter, Judson  
 Manning, Joseph

Fairbanks, Chandler  
 Royce, H Charles

Hunt, John

### COOS

Pratt, Leighton

Woodward, David

### GRAFTON

Akins, Ralph  
 Gilman, G Michael  
 Scanlan, David

Cobb, John  
 Giuda, Robert  
 Scovner, Nancy

Dudley, Terri  
 Marshall, Gene  
 Sova, Charles

Eaton, Stephanie  
 Mirski, Paul  
 Williams, Burton

### HILLSBOROUGH

Allan, Nelson  
 Artz, Lawrence  
 Bragdon, Peter  
 Carlson, Donald  
 Desrosiers, William  
 Eaton, Richard  
 Gargas, Carolyn  
 Graham, John  
 Herman, Keith  
 Lefebvre, Roland  
 Moran, Edward  
 Seibel, Christopher  
 Thulander, O Alan

Alukonis, David  
 Balboni, Michael  
 Brundige, Robert  
 Christensen, D L Chris  
 Drisko, Richard  
 Fletcher, Richard  
 Gleneck, David  
 Greenberg, Gary  
 Jean, Loren  
 Melcher, Harold  
 Peterson, Andrew  
 Souza, Kathleen  
 Vaillancourt, Steve

Andosca, Mary  
 Batula, Peter  
 Bruno, Pierre  
 Clegg, Robert Jr  
 Dwyer, Paul  
 Flora, Kathleen  
 Golding, William  
 Guinta, Frank  
 Kurk, Neal  
 Mercer, Robert  
 Reeves, Sandra  
 Tahir, Saghir  
 Wheeler, Robert

Arnold, Thomas Jr  
 Bouchard, David  
 Calawa, Leon Jr  
 Coughlin, Pamela  
 Dyer, Merton  
 Ford, Nancy  
 Gonzalez, Carlos  
 Hall, Charles  
 Leach, Edward  
 Messier, Irene  
 Salts, Greg  
 Tate, Joan

### MERRIMACK

Anderson, Eric  
 Feuerstein, Martin  
 L'Heureux, Stephen  
 Maxfield, Roy

Bouchard, Candace  
 Hager, Elizabeth  
 Langer, Ray  
 Swindlehurst, John

Colcord, J D  
 Hess, David  
 Lockwood, Priscilla  
 Winter, Steven

Dunne, Christopher  
 Hutchinson, John  
 MacKay, James

**ROCKINGHAM**

Bishop, Franklin	Bowles, Raimond	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Rausch, James
Robertson, Carl	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Whittier, John
Zolla, William			

**STRAFFORD**

Albert, Russell	Brown, Julie	Cossette, Larry	Gilmore, Gary
Harrington, Michael	Heon, Richard	Johnson, Nancy	Lent, Donald
Musler, George	Tsiros, William	Twombly, James	Woods, Phyllis

**SULLIVAN**

Franklin, Peter	Jones, Constance	Odell, Bob	Rodeschin, Beverly
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and floor amendment (3140h) failed.  
The question now being Ought to Pass.  
Rep. Royce spoke against.

**MOTION TO LAY ON THE TABLE**

Rep. McGuirk moved that **SB 315-FN**, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club, be laid on the table.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay on the table.

**YEAS 177 NAYS 179****YEAS 177****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Holbrook, Robert
Wendelboe, Fran	Wood, Jane		

**CARROLL**

Bradley, Jeb

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Slack, Pamela Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Woodward, David			

**GRAFTON**

Alger, John	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Mirski, Paul	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Sokol, Hilda	Solow, Martha	

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Eaton, Richard	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Kony, Christine	L'Heureux, Robert
Lasky, Bette	Leishman, Peter	McDonough-Wallace, Alice	McHugh, Claire
Movsesian, Lori	Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sullivan, Peter	Sweeney, Cynthia	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Kennedy, Richard	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Softani, Tony	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bridle, Russell	Carson, Sharon	Clark, Martha Fuller
Coes, Betsy	DiFruscia, Anthony	Downing, Michael	Dumaine, Dudley
Johnson, Robert	Kane, Cecelia	Langone, John	McGuire, Robert
Moore, Benjamin	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Reardon, Neil	Saia, Pamela	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth
Whittier, John			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Ferland, Paul
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Harrington, Michael
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James	Robb, Amy	

**NAYS 179****BELKNAP**

Boyce, Laurie	Flanders, Donald	Lawton, David	Millham, Alida
Nedead, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John		

**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Royce, H Charles



**COOS**

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Scovner, Nancy

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Jean, Loren  
Lefebvre, Roland  
Melcher, Harold  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberly  
Emerton, Lawrence Sr  
Ford, Nancy  
Gonzalez, Carlos  
Guinta, Frank  
Kurk, Neal  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dwyer, Paul  
Fields, Dennis  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
LaFlamme, Paul  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Sargent, Maxwell  
Tate, Joan

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Leach, Edward  
McRae, Karen  
Milligan, Robert  
Peterson, Andrew  
Seibel, Christopher  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hess, David  
Leber, William  
Swindlehurst, John

Colcord, J D  
Hutchinson, John  
Lockwood, Priscilla  
Winter, Steven

Dunne, Christopher  
L'Heureux, Stephen  
MacKay, James

Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy

**ROCKINGHAM**

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Rausch, James  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Case, Margaret  
Corbin, Corey  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
Micklon, Stephanie  
Packard, Sherman  
Robertson, Carl  
Stone, Joseph  
Zolla, William

Bowles, Raimond  
Chalbeck, Kevin  
Cox, Russell  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Ruffner, Walter  
Stritch, C Donald

Boynnton, James  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Sapareto, Frank  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Rollo, Michael

Cossette, Larry  
Tsiros, William

Heon, Richard  
Woods, Phyllis

Musler, George

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

and the motion to lay on the table failed.

The question now being adoption of Ought to Pass.

Rep. Royce spoke against.

The motion failed.

Rep. Royce moved Interim Study and spoke in favor.

Rep. Lawton requested a roll call; sufficiently seconded.

The question being adoption of Interim Study.

**YEAS 292 NAYS 64****YEAS 292****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr  
Wood, Jane

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Liebl, George  
Roberts, William  
Weed, Charles

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Royce, H Charles

Batchelder, Robert  
Fairbanks, Chandler  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Hunt, John  
Pratt, Irene  
Smith, Edwin

**COOS**

Bradley, Paula

Horton, Lynn

Pratt, Leighton

Woodward, David

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Gabler, William  
Mirski, Paul  
Sokol, Hilda

Alger, John  
Cobb, John  
Gilman, G Michael  
Nordgren, Sharon  
Solow, Martha

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Pawlek, Marion  
Sova, Charles

Barker, Robert  
Eaton, Stephanie  
Marshall, Gene  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Alukonis, David  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, David  
Dyer, Merton  
Fields, Dennis  
Furman, Christine  
Golding, William  
Graham, John  
Herman, Keith  
Johnson, Lionel  
LaFlamme, Paul  
Martel, Andre  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Tahir, Saghir  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Eaton, Richard  
Flora, Kathleen  
Gargas, Carolyn  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Kacavas, John  
Leach, Edward  
McHugh, Claire  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Tate, Joan  
White, John

Artz, Lawrence  
Bellavance, Paul  
Bruno, Pierre  
Christiansen, Lars  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Elliott, Larry  
Ford, Nancy  
Ginsburg, Ruth  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Schulze, Joan  
Sullivan, Peter  
Thulander, O Alan

Balboni, Michael  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clayton, William  
Desrosiers, William  
Drisko, Richard  
Emerton, Lawrence Sr  
Foster, Linda  
Gleneck, David  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
L'Heureux, Robert  
Lynde, Harold  
Melcher, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Reeves, Sandra  
Seibel, Christopher  
Sweeney, Cynthia  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
Feuerstein, Martin

Bouchard, Candace  
Colcord, J D  
Fraser, Leo Jr

Brewster, Richard  
Davis, Frank  
Fraser, Marilyn

Burney, Carol  
Dunne, Christopher  
Gile, Mary

Greco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Potter, Frances  
Swindlehurst, John

Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Reardon, Tara  
Winter, Steven

Hess, David  
Langer, Ray  
Maxfield, Roy  
Seldin, Gloria  
Yeaton, Charles

Hutchinson, John  
Leber, William  
Perkins, Randy  
Soltani, Tony

## ROCKINGHAM

Belanger, Ronald  
Boynton, James  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Palermo, Diane  
Putnam, Ed II  
Reardon, Neil  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

Bishop, Franklin  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Marshall  
Robertson, Carl  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Blanchard, MaryAnn  
Camm, Kevin  
Coes, Betsy  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
O'Neil, Michael  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Welch, David

Bowles, Raimond  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Brown, Julie  
Harrington, Michael  
Lent, Donald  
Smith, Marjorie  
Tsiros, William  
Woods, Phyllis

Berube, Roger  
Callaghan, Frank  
Heon, Richard  
Musler, George  
Snyder, Clair  
Twombly, James

Bickford, David  
Ferland, Paul  
Hughes, Christopher  
Pelletier, Arthur  
Spang, Judith  
Wall, Janet

Brennan, William  
Goodwin, Earle  
Johnson, Nancy  
Rollo, Michael  
Taylor, Kathleen  
Woodill, Rodney

## SULLIVAN

Allison, David  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

Franklin, Peter  
Leone, Richard

## NAYS 64 BELKNAP

Wendelboe, Fran

None

Espiefs, Peter  
Richardson, Barbara

McGuirk, Paul  
Zerba, Roger

Meador, David

Pratt, John

Gallus, John

Guay, Lawrence

## COOS

Cooney, Mary

Lovett, Sid

Naro, Debra

Scovner, Nancy

## HILLSBOROUGH

Allan, Nelson  
Bouchard, David  
Cote, David

Andosca, Mary  
Buckley, Raymond  
Craig, James

Baroody, Benjamin  
Cardin, Lori  
Dokmo, Cynthia

Bergin, Peter  
Clemons, Jane  
Dwyer, Paul

Fletcher, Richard  
Keye, Harvey  
McDonough-Wallace, Alice

Gorman, Mary  
Konys, Christine  
Movsesian, Lori

Haley, Robert  
Lasky, Bette  
Shaw, Barbara

Hall, Betty  
Leishman, Peter  
Williams, Carol

### MERRIMACK

Cummings, Raymond  
Rodd, Beth

Daneault, Gabriel  
Rush, Deanna

French, Barbara  
Wallner, Mary Jane

Jacobson, Alf

### ROCKINGHAM

Clark, Martha Fuller  
O'Keefe, Patricia  
Weatherspoon, Jacquelyne

Clark, Vivian  
Pitts, Jacqueline

Johnson, Robert  
Shultis, Elizabeth

Moore, Benjamin  
Splaine, James

### STRAFFORD

Cossette, Larry  
Grassie, Anne  
Reid, Christopher

DeChane, Marlene  
Kaen, Naida

Dunlap, Patricia  
McCarthy, Gerald

Gilmore, Gary  
Proulx, Raymond

### SULLIVAN

Burling, Peter  
and the motion of Interim Study was adopted.

Phinzy, James

**SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. **OUGHT TO PASS**

Rep. Judith T. Spang for Resources, Recreation and Development: This increase from \$1.00 to \$3.00 will enable the state Division of Parks and Science Center to accommodate the 80,000 yearly visitors. Current fees are inadequate for funding necessary capital improvements. The change in center management reflects the recent withdrawal of the Audubon Society from that function. Vote 14-1. Adopted and ordered to third reading.

**SB 419**, relative to notification of groundwater contamination. **OUGHT TO PASS WITH AMENDMENT**

Rep. John T. Gallus for Resources, Recreation and Development: The committee felt this was Public Safety issue. SB 419 requires notification of property owners within 500 feet of a contaminated well. During hearings the Department of Environmental Services (DES) Representatives stated they will notify abutters as soon as possible, but amendment requires notification within 30 days. Bill also brings RSA's into line with current federal MTBE drinking water standards. Vote 14-1.

### Amendment (3091h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Notification of Groundwater Contamination Required. Amend RSA 485-C by inserting after section 14-a the following new section:

485-C:14-b Notification of Groundwater Contamination Required.

I. Upon the discovery of groundwater contamination where one or more regulated chemical or radiological contaminants exceeds ambient groundwater quality standards, the commissioner shall require notification of the presence of the contamination to the following:

(a) The owners of all property which contains a water supply well and is within 500 horizontal feet of the well where the contamination is discovered.

(b) Public water suppliers, when the groundwater contamination falls within the wellhead protection area of the public water supply.

(c) The health officer of any municipality which contains property being notified.

II. Notification shall be made in writing within 30 days following confirmation of the contamination. Each property owner or public water supplier shall be notified at least once upon the discovery of contamination in an area. The commissioner may require additional notification as the extent of contamination at a site is further determined and remediation occurs. Where the cause of

the contamination is known, the person responsible shall provide the notification required by this section. Where the cause of the contamination is unknown, the commissioner shall provide the notification. This section shall apply only to groundwater contamination confirmed by sampling conducted by the department or at its direction.

2 Repeal. RSA 485:16-a, II, relative to notifying customers about MTBE content in public water systems is repealed.

3 Applicability. Section 1 of this act shall apply only to groundwater contamination discovered on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires notification of certain property owners, public water suppliers, and health officers when groundwater contamination is discovered. It also repeals the requirement that public water systems notify each customer about the MTBE content of the water if there is greater than 5 parts per billion of MTBE in the water the system is delivering.

Adopted.

Report adopted and ordered to third reading.

### **SB 301, relative to an innovation initiative within the division of economic development. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: After conducting a second public hearing the committee added a non-germane amendment to bar taxation of Internet and computer online services in New Hampshire. This amendment mirrors a similar federal moratorium on Internet taxation in effect through November 2003. The committee believes taxing Internet services would impede access to and enhancement of these increasingly important services. The Communications Services Tax had been applied to one provider since 1997 and there was in the committee's mind a very real question if this tax had been collected legally because the tax did not apply to all providers. The provider in question is not seeking restitution of taxes already paid (\$1.4million). Revenue loss in this budget cycle is estimated to be \$1.6 million; however litigation in the absence of this amendment is virtually certain so the revenue is in question in any case. The Commissioner of the Department of Revenue Administration testified in support of the bill. Vote 14-0.

### **Amendment (3002h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to an innovation initiative within the division of economic development, the creation of the New Hampshire e-commerce advisory commission, and a moratorium on Internet taxation.

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. In October 1998, the United States Congress enacted Public Law 105-277, the Internet Tax Freedom Act, which imposed a 3-year moratorium on certain Internet-related taxes. In November 2001, the United States Congress enacted Public Law 107-75, extending that moratorium through November 1, 2003.

II. Social, educational, and economic benefits result from creating and expanding free and unfettered access to the Internet and computer on-line services.

III. New Hampshire is committed to studying and encouraging through its public policy electronic commerce and the development, growth, and deployment of high-speed Internet access to its citizens and businesses.

IV. Technology-based innovations are critical to the growth and economic development of the state. Rapidly developing technological innovation and deployment will be encouraged by a state public policy restraining government intervention, including taxation.

V. The exercise of the taxing powers of the state of New Hampshire in relation to emerging Internet and computer on-line services will impede the future accessibility, viability, and enhancement of such services in New Hampshire, to the detriment of the citizens of the state.

Amend the bill by replacing all after section 2 with the following:

3 Communications Services Tax; Definition of Communications Services; Certain Internet Services Excluded. Amend RSA 82-A:2, III(b) and (c) to read as follows:

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by ~~him~~ *the communications services provider* to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; ~~or~~

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave, or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received[;] *or*

*(d) Internet services and computer on-line services delivered over a cable television system or any other medium so long as a federal moratorium on Internet taxes is in effect, including the moratorium imposed by the Internet Tax Freedom Act enacted by Public Law 105-277, and extended until November 1, 2003 by Public Law 107-75.*

4 New Paragraph; Communications Services Tax; Definition of On-line Services Added. Amend RSA 82-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Computer on-line services" means the offering or provision of information, information processing, and products or services to a user via the Internet, whether or not they are offered as part of a package of services that are combined with Internet access and offered to the user for a single price, or provided and billed separately. "Online computer services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 26 U.S.C. section 4251.

5 New Paragraph; Communications Services Tax; Definition of Internet Services Added. Amend RSA 82-A:2 by inserting after paragraph V the following new paragraph:

V-a. "Internet services" means the offering or provision of the storage, computer processing, and transmission of information that enables the user to make use of the resources found via the Internet. "Internet services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 42 U.S.C. section 4251.

6 New Chapter; New Hampshire E-Commerce Advisory Commission. Amend RSA by inserting after chapter 12-L the following new chapter:

#### CHAPTER 12-M

#### NEW HAMPSHIRE E-COMMERCE ADVISORY COMMISSION

12-M:1 Commission Established. There is hereby established the New Hampshire e-commerce advisory commission.

12-M:2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, at least one of whom shall be a member of the committee having jurisdiction over the telecommunications matters, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of revenue administration, or designee.

(d) One member representing the New Hampshire Municipal Association, appointed by that organization.

(e) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the governor.

(f) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the president of the senate.

(g) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the speaker of the house of representatives.

II. Members of the commission shall serve without compensation except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term which is coterminous with their elected office. The appointed members of the commission shall serve 3-year terms.

12-M:3 Duties. The commission's duties shall include, but not be limited to:

I. Studying the current use of electronic commerce in New Hampshire.

II. Studying the current trends in the development, growth, and deployment of high-speed Internet access to New Hampshire's citizens and businesses.

III. Identifying issues related to electronic commerce to be addressed at the federal level by Congress and the Federal Communications Commission.

IV. Analyzing potential incentives under New Hampshire law to encourage deployment of electronic commerce-related technology.

V. Assessing state policy options to encourage rapidly developing technological innovation and deployment, including tax policy.

VI. Adopting recommendations relating to electronic commerce policies under New Hampshire law.

12-M:4 Chairperson; Clerk. The members of the commission shall elect a chairperson and a clerk from among the members. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section.

12-M:5 Report. On or before November 1 of each year, the commission shall submit an annual report outlining the commission's activities and recommendations to the chairperson of the house committee having jurisdiction over telecommunications matters, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill directs the New Hampshire council on applied technology and innovation to collaborate with the division of economic development in creating the division's technology-based innovation initiative.

The bill also establishes a state moratorium on Internet taxes and establishes an e-commerce advisory commission.

Adopted.

Report adopted and referred to Ways and Means.

#### **SB 366, relative to biennial reports of the public utilities commission. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The Science, Energy & Technology Committee amended SB 366 by first of all increasing the distribution of the Public Utilities biennial reports by adding the President of the Senate, the Speaker of the House of Representatives, and appropriate standing committees of the House and Senate. This information would facilitate ideas, suggestions and recommendations for such legislation deemed necessary. The bill adds a staff engineer designated by the commissioners of the Public Utilities Commission to the site evaluation committee as a helpful addition. The bill also repeals the sunset of the energy consumption tax because the loss at this time of six million dollars per annum was not a wise option. Vote 11-3.

#### **Amendment (3104h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to biennial reports of the public utilities commission relative to membership of the site evaluation committee, and relative to the electricity consumption tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Reports of Public Utilities Commission; Biennial; Recipients. Amend RSA 363:24 to read as follows:

363:24 Biennial. The commission shall publish and file with the governor and council, *the president of the senate, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives* a report not later than December 1 of each odd numbered year. Such report shall contain such account of its proceedings for the 2 years last preceding, and such suggestions and recommendations as to needed legislation or as to other matters affecting public utilities as the commission may desire to submit.

2 Energy Facility Evaluation, Siting, Construction, and Operation; Site Evaluation Committee; Membership. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of state planning, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the director of the governor's office of energy and community services or deputy director as designee, the commissioner of the department of transportation or assistant commissioner as designee, ~~and~~ the commissioners ~~and chief engineer~~ of the public utilities commission, *and a staff engineer designated by the commissioners of the public utilities commission*. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

3 Repeal. 1997, 347:5, II, repealing the electricity consumption tax, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 29, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Requires that the public utilities commission file its biennial reports with the speaker of the house of representatives and the president of the senate.

II. Permits the public utilities commissioners to designate a staff engineer for membership on the site evaluation committee.

III. Repeals the prospective repeal of the electricity consumption tax.

Adopted.

Report ordered and referred to Ways and Means.

### **SB 372, prohibiting the sale of reformulated gasoline in certain counties of the state. INEXPEDIENT TO LEGISLATE**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: At the request of the prime sponsor the committee voted ITL on SB 372. The problem of the MTBE additive in gasoline continues to be of deep concern in the state and nation. The committee continues to actively pursue a resolution to the problem, however, at this time this particular bill was not the vehicle to do that. Vote 13-1. Adopted.

### **SB 314-FN, relative to Selective Service Act Compliance through driver's license applications. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Letourneau for the Majority of Transportation: This bill came to the House Transportation Committee with a complicated and confusing Senate amendment. The subcommittee listened to all concerned parties and brought forward a simplified amendment. This amended bill provides that a person who is required under Federal law to be registered with the Selective Service System may authorize the Department of Safety to forward to the Selective Service System the necessary information for such registration. An opt-in check box to the driver's license application form with clear language to what the applicant was agreeing to would accomplish this. In regard to the Social Security numbers, this would not affect the DOS's ability to collect Social Security numbers under current law for driver's license purposes. The majority of the committee felt that this bill, as written, would provide another useful avenue for those who are required to register under Federal law that has many sanctions attached to it if one fails to comply. The Commissioner of Safety is allowed to charge reasonable fees for the implementation of this service, to which the Selective Service System has agreed. Vote 9-3.

Rep. Brenda L. Ferland for the Minority of Transportation: Most New Hampshire males are in compliance in filing with the Selective Service. As a matter of fact about 96% do so. Let's talk about the 4% that don't. Unfortunately, a large portion of these young men are the homeless and high school dropouts. Another group are the ones serving time in prisons. Then we have the ones that don't want the government telling them what to do. And last, there are the ones that object to



any military action. What is left is a very small percentage of 18-year-old males that forget. The Selective Service Board does admit that they do not now or don't ever plan on getting 100% compliance. After getting the original bill and other amendments that came to the committee, we now have one amendment to have the Department of Safety supply the Selective Service with the names of young men, and they automatically assume they are now in compliance. The DOS already supplies these names. Why pass a bill for something they are already doing. An initial driver's license applicant most likely will be 16 or 17 years of age. At that time those applicants cannot by law register for Selective Service. Pending legislation requiring the applicant to provide a Social Security number will be able to immediately opt-out. They would not be required to provide Social Security numbers upon renewal when they will be between 21 – 22 years of age, the age window when they are required to register for the Selective Service.

### **Majority Amendment (3099h)**

Amend the bill by replacing all after the enacting clause with the following:

1 State College and University System; Selective Service Registration Awareness and Compliance Act; Application; Driver's License Added. Amend RSA 187-A:39 to read as follows:

187-A:39 Application.

I. No person who is not in compliance with the Military Selective Service Act as provided in 50 U.S.C. app. section 451 et seq. shall:

(a) Be permitted to enroll in a state-supported institution of postsecondary or higher education.

(b) Be eligible to receive a loan, grant, scholarship, or other financial assistance for postsecondary higher education supported by state revenue, including federal funds, gifts, or grants accepted by the state, or to receive a student loan guaranteed by the state.

(c) Having attained the age of 18 years, be eligible for employment by or service to the state or any political subdivision of the state, including all state boards, commissions, departments, agencies, and institutions.

***II. A person who has authorized the department of safety to submit information to the Selective Service System pursuant to RSA 263:5-c shall be considered to be in compliance with the Selective Service Act for purposes of this section.***

2 New Section; Drivers' Licenses; Issuance of Licenses; Compliance With Federal Selective Service Requirements. Amend RSA 263 by inserting after section 5-b the following new section: 263:5-c Compliance With Federal Selective Service Requirements.

I. When applying for a driver's license or driver's license renewal, any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age may authorize the department to register him with the Selective Service System in compliance with the requirements of section 3 of the "Military Selective Service Act", 50 U.S.C. app. section 451 et seq., as amended.

II. The application form for a driver's license or driver's license renewal shall include a box to check off if the applicant is 18 years of age and wishes to authorize the department to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law. The applicant shall not be required to provide his social security number for Selective Service registration purposes. The department shall not release any information pursuant to this section unless the Selective Service System has provided assurance to the department that the Selective Service System shall not transfer to any non-governmental agency; any information which the applicant submitted to the department for registration purposes.

III. Failure to authorize Selective Service registration as provided in this section shall not be a basis for denying driving privileges to the applicant.

IV. The commissioner may charge reasonable fees pursuant to RSA 260:14, XIII, for the collection and release of information to the Selective Service System under this section, provided that no such fee shall be charged to the applicant authorizing registration.

3 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill provides that a person who is required to be registered with the Selective Service System may authorize the department of safety to forward to the Selective Service System the necessary information for such registration.

On a division vote, 182 members having voted in the affirmative and 118 in the negative, the majority amendment was adopted.

Rep. Letourneau yielded to questions.

Report adopted and ordered to third reading.

### **SB 319**, relative to participation in international lotteries. **OUGHT TO PASS**

Rep. Christine M. Konys for Ways and Means: Current law allows New Hampshire to engage in powerball games within the United States. Mexico has expressed an interest in joining powerball, and as the law currently exists, we would have to withdraw from powerball should Mexico join, thus losing us substantial revenue. This bill adds the word "international" to the description of lotteries in which we can engage. Vote 10-6.

Rep. Konys yielded to questions.

Rep. Elliott requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## **YEAS 251 NAYS 87**

### **YEAS 251**

#### **BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

#### **CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### **CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Liebl, George	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Royce, H Charles	Slack, Pamela Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

#### **COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Pratt, Leighton	Woodward, David	

#### **GRAFTON**

Alger, John	Benn, Bernard	Cobb, John	Cooney, Mary
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Sova, Charles
Teschner, Douglass	Williams, Burton		

## **HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dionne, David	Dwyer, Paul	Eaton, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Foster, Linda
Furman, Christine	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Betty	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	Martel, Andre

McDonough-Wallace, Alice  
 Milligan, Robert  
 Palangas, Eric  
 Reeves, Sandra  
 Souza, Kathleen  
 Thulander, O Alan  
 Williams, Carol

McRae, Karen  
 Moran, Edward  
 Panagopoulos, Nicholas  
 Sargent, Maxwell  
 Spiess, Paul  
 Vaillancourt, Steve

Mercer, Robert  
 Murphy, Robert  
 Pappas, Marc  
 Schulze, Joan  
 Sweeney, Cynthia  
 Wheeler, Robert

Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Shaw, Barbara  
 Tate, Joan  
 White, John

### MERRIMACK

Bouchard, Candace  
 Daneault, Gabriel  
 Greco, Vincent  
 Leber, William  
 Rush, Deanna

Burney, Carol  
 Davis, Frank  
 Hutchinson, John  
 Lockwood, Priscilla  
 Seldin, Gloria

Colcord, J D  
 Fraser, Leo Jr  
 Jacobson, Alf  
 Perkins, Randy  
 Swindlehurst, John

Cummings, Raymond  
 Fraser, Marilyn  
 Langer, Ray  
 Reardon, Tara  
 Winter, Steven

### ROCKINGHAM

Belanger, Ronald  
 Bridle, Russell  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, John Sr  
 Gleason, John  
 Kane, Cecelia  
 Langley, Jane  
 McGuire, Robert  
 O'Keefe, Patricia  
 Priestley, Anne  
 Rausch, James  
 Sloan, Stephen  
 Welch, David

Blanchard, MaryAnn  
 Case, Margaret  
 Corbin, Corey  
 Downing, Michael  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Langone, John  
 McKinney, Betsy  
 O'Neil, Michael  
 Putnam, Ed II  
 Robertson, Carl  
 Stone, Joseph  
 Weyler, Kenneth

Bowles, Raimond  
 Chalbeck, Kevin  
 Cox, Russell  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Micklon, Stephanie  
 Packard, Sherman  
 Quandt, Marshall  
 Saia, Pamela  
 Stritch, C Donald  
 Whittier, John

Boynnton, James  
 Clark, Vivian  
 Dalrymple, Janeen  
 Flanagan, Natalie  
 Giordano, Ronald  
 Introne, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 Pantelakos, Laura  
 Quandt, Matthew  
 Sapareto, Frank  
 Trueman, Raymond  
 Zolla, William

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Gilmore, Gary  
 Heon, Richard  
 McCarthy, Gerald  
 Taylor, Kathleen

Bickford, David  
 Cossette, Larry  
 Goodwin, Earle  
 Hughes, Christopher  
 Proulx, Raymond  
 Twombly, James

Brennan, William  
 DeChane, Marlene  
 Grassie, Anne  
 Kaen, Naida  
 Rollo, Michael  
 Wall, Janet

Brown, Julie  
 Ferland, Paul  
 Harrington, Michael  
 Lent, Donald  
 Snyder, Clair  
 Woodill, Rodney

### SULLIVAN

Burling, Peter  
 Harris, Sandra  
 Robb, Amy

Cloutier, John  
 Jones, Constance  
 Rodeschin, Beverly

Ferland, Brenda  
 Leone, Richard

Harris, Joseph  
 Odell, Bob

### NAYS 87

### BELKNAP

Rice, Thomas Jr

Wood, Jane

### CARROLL

Stevens, Stanley

Sullivan, P Judith

### CHESHIRE

Allen, Peter

Mitchell, McKim

Richardson, Barbara

Roberts, William

### COOS

None

### GRAFTON

Akins, Ralph  
 Gabler, William

Almy, Susan  
 Lovett, Sid

Barker, Robert  
 Solow, Martha

Eaton, Stephanie

**HILLSBOROUGH**

Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael	Carlson, Donald
Christiansen, Lars	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dyer, Merton	Elliott, Larry	Ford, Nancy
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Hall, Charles
Jean, Loren	McHugh, Claire	Melcher, Harold	Movsesian, Lori
Salts, Greg	Sullivan, Peter	Tahir, Saghir	

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Clarke, Claire	Dunne, Christopher
Feuerstein, Martin	French, Barbara	Gile, Mary	Hager, Elizabeth
Kennedy, Richard	L'Heureux, Stephen	MacKay, James	Potter, Frances
Rodd, Beth	Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Camm, Kevin	Carson, Sharon	Clark, Martha Fuller	Coes, Betsy
DiFruscia, Anthony	Dumaine, Dudley	Gilbert, Karl	Henderson, Warren
Holland, James Jr	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kelley, William	Norelli, Terie	Nowe, Ronald	Palermo, Diane
Pitts, Jacqueline	Power, Lucille	Reardon, Neil	Ruffner, Walter
Splaine, James	Varrell, Thomas	Weatherspoon, Jacquelyne	

**STRAFFORD**

Albert, Russell	Dunlap, Patricia	Johnson, Nancy	Pelletier, Arthur
Reid, Christopher	Smith, Marjorie	Spang, Judith	

**SULLIVAN**

Allison, David	Franklin, Peter	Phinzy, James
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and the report was adopted.

Ordered to third reading.

Rep. Phyllis Woods did not vote and wished to be recorded in favor.

**SB 350-FN-A**, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: There are many flaws with the proposal in this senate bill which would provide for the creation and use of business tax credits in return for certain donations to the Berlin Community Technical College. Despite many attempts to address the flaws as they were identified, more problems surfaced. Although the committee clearly agreed with the intent of the bill, the technical issues of the tax credit were simply too great to be addressed by the committee in the time available. The University system, as well as the Community Technical College System, are in agreement with the committee's report of inexpedient to legislate. Vote 14-1.

Adopted.

**SB 423-FN-A**, relative to fees collected by the department of safety and certificates of title. **OUGHT TO PASS**

Rep. Michael W. Downing for Ways and Means: This bill meets one of the important recommendations of the Governor's Commission on Domestic Terrorism by adding 5 motor vehicle inspectors for each of the next two fiscal years for needed commercial vehicle enforcement at the borders and during the evenings. The federal Highway Administration has asked all states to increase the vigilance over the movement of hazardous materials. Truck inspections are currently below desirable levels due to limited resources. The bill increases the title fee by \$5.00 which will raise approximately \$1 million per year for the highway fund, which would provide for approximately \$213,000 in increased highway fund revenue distributed to cities and towns. It also increases the salvage decal fee which would bring an additional \$175,000 to the highway fund and \$175,000 to the general fund. Due to the skyrocketing construction costs, additional funding is needed to com-

plete the Dept. of Motor Vehicle testing building, which was approved by the Legislature in 1999, to reduce the congestion at the Department's main building at 10 Hazen Drive and for much needed commercial testing. This bill will allow for the construction to be completed without any additional charge to highway or general funds. Vote 14-1.

Adopted.

Referred to Finance.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow the House to reconsider and take further action on **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor.

On a division vote, 228 members having voted in the affirmative and 105 in the negative, the motion was adopted by the necessary two-thirds.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Sapareto moved that the House reconsider its action whereby **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor was found Inexpedient to Legislate.

Reconsideration prevailed.

The question before the House being Inexpedient to Legislate.

Rep. O'Connell spoke against.

The motion failed.

Rep. Spang moved Ought to Pass with Amendment and offered floor amendment (3236h).

### Floor Amendment (3236h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that it is in the interests of the state to do a comprehensive study regarding the establishment of protected instream flows and water management plans for 2 designated rivers and their tributary drainage areas. The general court finds that it is in the interests of the state to initially restrict instream flow rules to 2 rivers to ensure that adequate information is available to develop the necessary protected instream flows and water management plans and to ensure effective and fair administration of the first application of instream flow regulation under the provisions of RSA 483.

2 Pilot Program Established; Instream Flow Rules for the Lamprey River and the Souhegan River.

I. There is established a pilot program for the purpose of studying and establishing protected instream flows and water management plans for the Lamprey River and the Souhegan River, and their respective tributary drainage areas.

II. The commissioner of the department of environmental services shall adopt instream flow rules pursuant to RSA 541-A and RSA 483:9-c relative to the Lamprey River, as designated in RSA 483:15, I, and the Souhegan River, as designated in RSA 483:15, XIII. For each of the designated rivers, the instream flow rules shall require that a protected instream flow study be conducted prior to the commissioner of the department of environmental services adopting a protected instream flow level and a water management plan.

III. The commissioner of the department of environmental services shall initiate and adopt rules pursuant to RSA 541-A for other rivers designated under RSA 483:15 only after the adoption and implementation of the rules relative to protected instream flows pursuant to RSA 483:9-c for the Lamprey and Souhegan rivers and completion of the report required under section 3, III(b) of this act, but not before October 1, 2006.

3 Instream Flow Technical Review Committees; Establishment; Duties.

I.(a) There are established instream flow technical review committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, an instream flow technical review committee for each river shall be appointed and convened. There shall be 14 members of each committee appointed as described by this paragraph.

(b) The duty of each committee shall be to advise the department on the preparation and conduct of the protected instream flow study. The committees may seek input from appropriate state and federal agencies and other interested parties as necessary.

(c) A committee member shall have either education or experience in water resources management or protection. The members shall be appointed by the commissioner of the department of environmental services in consultation with the rivers management advisory committee, as follows:

- (1) One representative from New Hampshire fish and game department;
- (2) One representative of the United States Environmental Protection Agency;
- (3) One representative of the United States Fish and Wildlife Service;
- (4) One representative of the United States Geological Survey;
- (5) Four technical representatives of business interests, one of whom shall be a municipal water supplier;

(6) Four technical representatives of conservation interests; and

(7) Two ex officio representatives of the New Hampshire general court; the chairperson of the senate environment committee, or designee, and the chairperson of the house resources, recreation and development committee, or designee.

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(e) The instream flow technical review committees shall make annual reports regarding their progress and findings on or before November 1 of each year of their existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

II.(a) There are established water management planning area (WMPA) advisory committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, a water management planning area advisory committee for each river shall be appointed and convened. There shall be up to 20 members of each committee appointed as described in this paragraph.

(b) The committee shall, with respect to the river for which the committee was appointed:

(1) Provide information toward the development of the water management plan and the implementation of the protected instream flow;

(2) Review and comment on the water management plan; and

(3) Assist the department in hearings, negotiations, and public meetings related to the protected instream flow and the water management plan.

(c) The members shall be appointed by the commissioner of the department of environmental services in consultation with the rivers management advisory committee, as follows:

(1) Two local rivers management advisory committee representatives;

(2) Four affected business water users in the WMPA;

(3) One conservation commission member from a town or city in the WMPA;

(4) Up to 3 government official representatives from a town or city in the WMPA;

(5) One representative of recreational interests in the WMPA;

(6) One community citizen representative from a town or city in the WMPA;

(7) One representative of conservation interests in the WMPA;

(8) One representative of business in a town or city in the WMPA;

(9) One state senator in a town or city in the WMPA;

(10) One state representative in a town or city in the WMPA;

(11) One representative of a lake association in the WMPA, if any;

(12) One public water supplier in the WMPA, if any;

(13) One affected dam owner in the WMPA, if any; and

(14) One affected agricultural water user in the WMPA, if any.

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committees.

(e) Each water management planning area advisory committee shall make an interim report regarding their progress and findings on or before November 1 of each year of their existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

III. The commissioner of the department of environmental services shall by November 1, 2005:

(a) By October 1, 2005, conduct protected instream flow studies and adopt protected instream flows and water management plans relative to the Lamprey River and the Souhegan River; and

(b) One year after the adoption and implementation of the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River, the department shall hold a public hearing and open a 30-day public comment period. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(c) By December 1, 2006, submit a report that details the activities and results of the pilot program, including the impacts of the protected instream flows and water management plans on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The report shall also include a summary of public comments received and the completed instream flow studies and the adopted protected instream flow levels and water management plans and shall be submitted to the senate president, the speaker of the house of representatives, the governor, and the state library.

4 Position Established. There is established in the department one hydrogeologist III position, to be known as the instream flow protection coordinator, who shall be a classified employee at labor grade 27, qualified by reason of education and experience, and who shall administer the pilot program. The instream flow protection coordinator shall serve as secretary and staff to the instream flow technical review committees and the water management planning area advisory committees.

5 Applicability of New Position; Funding. The position of instream flow protection coordinator established in section 4 of this act shall not be filled unless sufficient moneys are received from grants, gifts, or donations, from any non-general fund public or private sources, to cover the full cost of filling the position. Any sums designated to cover the full cost of filling the position are hereby appropriated.

6 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 as amended by 2001, 138:6 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, [2002] **2006**.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a pilot program in the department of environmental services to study and establish protected instream flows and water management plans for the Lamprey River and the Souhegan River. The bill also establishes an instream flow technical review committee and a water management planning area advisory committee for each river designated for an instream flow and river management plan under RSA 483.

Reps. Spang and Blanchard spoke in favor and yielded to questions.

Rep. Cooney spoke against and yielded to questions.

Rep. Blanchard requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3236h).

**YEAS 212 NAYS 126**

**YEAS 212**

**BELKNAP**

Flanders, Donald

Millham, Alida

Pilliod, James

Wood, Jane

**CARROLL**

Babson, David Jr

Bradley, Jeb

Philbrick, Donald

Stevens, Stanley

# CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Liebl, George	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

# COOS

Bradley, Paula	Davis, Perley
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# GRAFTON

Alger, John	Almy, Susan	Benn, Bernard	Cooney, Mary
Gabler, William	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass		

# HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Carlson, Donald
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dionne, David	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Elliott, Larry	Fletcher, Richard	Foster, Linda
Furman, Christine	Gargasch, Carolyn	Ginsburg, Ruth	Gleneck, David
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Guinta, Frank	Haley, Robert	Hall, Betty	Hall, Charles
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene
Movesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	Vaillancourt, Steve	White, John	Williams, Carol

# MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Colcord, J D	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Jacobson, Alf
L'Heureux, Stephen	Langer, Ray	Lockwood, Priscilla	Mackay, James
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Yeaton, Charles			

# ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cox, Russell
DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie	Gilbert, Jeffrey
Gilbert, Karl	Hamel, Albert	Johnson, Robert	Kane, Cecelia
Kobel, Rudolph	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Sloan, Stephen
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

# STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary	Goodwin, Earle



Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Heon, Richard  
Lent, Donald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

### NAYS 126

### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Rosen, Ralph

Lawton, David  
Russell, David

### CARROLL

Dickinson, Howard  
Sullivan, P Judith

Kenney, Joseph

Mock, Henry

Patten, Betsey

### CHESHIRE

Avery, Stephen  
Manning, Joseph

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

### COOS

Gallus, John  
Woodward, David

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Gilman, G Michael  
Sova, Charles

Barker, Robert  
Giuda, Robert  
Williams, Burton

Cobb, John  
Marshall, Gene

Dudley, Terri  
Mirski, Paul

### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Bruno, Pierre  
Coughlin, Pamela  
Gonzalez, Carlos  
Jean, Loren  
Mercer, Robert  
Reeves, Sandra  
Tate, Joan

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Dyer, Merton  
Goulet, Maurice  
Martel, Andre  
Milligan, Robert  
Salts, Greg  
Thulander, O Alan

Arnold, Thomas Jr  
Bouchard, David  
Christiansen, Lars  
Emerton, Lawrence Sr  
Greenberg, Gary  
McHugh, Claire  
Moran, Edward  
Souza, Kathleen  
Wheeler, Robert

Balboni, Michael  
Brundige, Robert  
Clegg, Robert Jr  
Fields, Dennis  
Holden, Randolph  
McRae, Karen  
Pappas, Marc  
Tahir, Saghir

### MERRIMACK

Dunne, Christopher  
Leber, William

Feuerstein, Martin  
Soltani, Tony

Hutchinson, John  
Winter, Steven

Kennedy, Richard

### ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Johnson, Rogers

Boynton, James  
Chalbeck, Kevin  
Dumaine, Dudley  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, George

Bridle, Russell  
Cooney, Richard  
Fesh, Bob  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis

Camm, Kevin  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Itse, Daniel  
Kelley, William

Letourneau, Robert  
 Nowe, Ronald  
 Quandt, Marshall  
 Stone, Joseph  
 Weyler, Kenneth

Major, Norman  
 Packard, Sherman  
 Quandt, Matthew  
 Stritch, C Donald  
 Zolla, William

McKinney, Betsy  
 Palermo, Diane  
 Rausch, James  
 Varrell, Thomas

Morse, Charles  
 Priestley, Anne  
 Reardon, Neil  
 Welch, David

### STRAFFORD

Albert, Russell  
 Woods, Phyllis

Bickford, David

Cossette, Larry

Harrington, Michael

### SULLIVAN

None

and floor amendment (3236h) was adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 17, 2002 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 338**, relative to ex parte orders in domestic relations cases.

**SB 370**, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution.

**SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code.

**SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

**SB 434**, establishing the duties of the fish and game commission.

**SB 320**, establishing a study committee to review independent living retirement communities.

**SB 400**, establishing a committee to study issues concerning the Poison Information and Control Center.

**SB 368**, granting probate courts the power to issue attachments and levies of execution.

**SB 369**, relative to compensation of guardians and conservators for administrative expenses.

**SB 411**, extending the reporting dates of certain study committees.

**SB 406**, relative to animal control and animal population control fees for cats.

**SB 356**, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith.

**SB 361-FN**, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation.

**SB 446**, relative to rights and protections for New Hampshire national guard members called to state active duty.

**SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors.

**SB 312**, relative to quarterly payment of estimated interest and dividends tax.

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstakes purposes.

**SB 388**, relative to bingo game operation.

**SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training.

**SB 422-FN**, relative to the insurance laws.

**SB 187-FN**, establishing a committee to study eminent domain proceedings.

**SB 351**, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A.

**SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire.

**SB 419**, relative to notification of groundwater contamination.

**SB 314-FN**, relative to Selective Service Act Compliance through driver's license applications.

**SB 319**, relative to participation in international lotteries.

**HB 1449-A**, establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:45 p.m.

### RECESS

(Rep. Holden in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 379 and Senate Bills numbered 351, 356, 361, and 400.

Rep. Nowe, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENTS

**SB 187-FN**, establishing a committee to study eminent domain proceedings. (Amendment printed SJ 04/16/02)

Adopted.

**SB 320**, establishing a study committee to review independent living retirement communities. (Amendment printed SJ 04/16/02)

Adopted.

**SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. (Amendment printed SJ 04/16/02)

Adopted.

### RECESS

(Rep. Robert Johnson in the Chair)

### ENROLLED BILL AMENDMENT

**SB 446**, relative to rights and protections for New Hampshire national guard members called to state active duty. (Amendment printed SJ 04/16/02)

Adopted.

### RECESS

(Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 12

Wednesday, April 17, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God of peace, we ask Your blessing upon the work of this honorable House today. Once again we pray especially for peace – peace in the Middle East and peace in all areas threatened by violence and terrorism. Enable each of us to do all we can to break down the walls of hatred that separate the people of the earth. Open our eyes with hope to see new opportunities for peace and give us the courage to pursue them. Bless and protect those who bravely defend the liberties we share, and uphold all those who work to promote justice and peace among all people. This we ask in the name of God who calls all people of genuine faith to be peacemakers. Amen.

Rep. Cecelia D. Kane led the Pledge of Allegiance.

The National Anthem was sung by Siobhan Connelly, a student from Gilford High School.

## LEAVES OF ABSENCE

Reps. Arnold, Burnham, Feuerstein, Jane Kelley, Kobel, Lefebvre, Lyman, Stohl and Zolla, the day, illness.

Reps. Balcom, Cardin, Desrosiers, Dowling, Stephanie Eaton, Paul Ferland, Flora, Gabler, Grassie, Guay, William Johnson, Kenney, Leishman, Martin, Tara Reardon, Robb, Rozek, Saia, Teschner and Thompson, the day, important business.

Rep. Flint, the day, illness in the family

## INTRODUCTION OF GUESTS

Nancy and Bill Lines, Molly and Bill Connelly, guests of Rep. Russell. Charlene Kane, Cheryl and Robert Ramsey, Amy Jackson, Dr. Richard and Kathy Fagan, daughters, son-in-law, granddaughter and guests of Rep. Cecelia Kane. Mary, Louisa, Polly and Martin Carter, guests of Rep. Reid. William and Christie Hopper, brother and sister-in-law of Rep. Hopper. Kathleen Kenney, John and Greta Olmstead, Jerome and Mary Murphy, guests of Rep. Thomas. Steven Gerencser, guest of Rep. Potter. Jonathan Tymann, guest of Rep. Arndt. Former Rep. Marian Lovejoy, guest of Rep. Case. Raymond Bower, Paul Dumont, Ronald Chagnon and George Maglaras, guests of Rep. Julie Brown.

## SPECIAL GUESTS

Jean Miccolo, recipient of the New Hampshire Chapter of the Order of Women Legislators' 2002 Scholarship, joined the Speaker and Reps. Janet Arndt and Julie Brown on the podium as guests of the House.

Representatives of the University of New Hampshire Hockey Team – 2002 Hockey East Tournament Champions, Wildcat members, Darren Haydar, Patrick Foley, Garret Stafford, David Busch, Matt Carney and Tim Collins with Coach Dick Umile, New England Coach of the Year, and Assistant Coach David Lassonde joined the Speaker on the podium as guests of the House.

## ENROLLED BILL AMENDMENT

**HB 1414-FN-A-L**, relative to taxation of excavation areas.

### Amendment (3303-EBA)

Amend section 7 of the bill by replacing line 1 with the following:

7 Lien. Amend RSA 72-B:7 to read as follows:

Adopted.

## SENATE MESSAGES

### CONCURRENCE

**HB 701**, relative to municipal limitation of renewable energy systems.

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack.

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services.

**HB 1133**, relative to intrastate fresh pursuit.

**HB 1153**, establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

**HB 1166**, relative to alcoholic product advertising.

**HB 1170**, extending the environmental audit program.

**HB 1182**, establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

**HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice.

**HB 1201**, relative to charitable trust customer data.

**HB 1215**, relative to county delegations.

**HB 1225**, relative to disclosure of referral restrictions.

**HB 1247**, establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

**HB 1254**, relative to the budget preparation procedures of municipalities.

**HB 1285**, relative to the applicability of the stalking statute to minors.

**HB 1310**, relative to the city of Manchester's contributory retirement system.

**HB 1367-FN**, relative to the childhood lead poisoning prevention program.

**HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program.

**HB 1422**, establishing certain positions in the insurance department.

**HB 1435**, extending the reporting dates of certain study committees.

**HB 1442**, relative to eligibility for special number plates for former prisoners of war.

**HB 1443**, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities.

**HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee.

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system.

**HCR 21**, a resolution urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001.

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

**HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II.

### NONCONCURRENCE

**HB 353-FN-A**, relative to diversified agricultural development.

**HB 392**, relative to a property tax exemption for property of agricultural fairs.

**HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

**HB 668**, relative to genetic testing.

**HB 744-FN-A**, establishing a committee to study the feasibility of a state pilot program for family and disability leave.

**HB 1260-FN**, relative to certification and licensing of teachers and school administrators.

**HB 1282**, establishing a committee to study gaming options for New Hampshire.

**HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities.

**HB 1329-FN**, relative to fiscal notes.

**HB 1342**, relative to preparation of fiscal notes.

**HB 1409-FN-A-L**, relative to payment of autopsy expenses.

**HB 1444**, requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. (Amendment printed SJ 03/14/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Brundige, Twombly, Lockwood and N. Johnson.

**HB 380**, apportioning county commissioner districts. (Amendment printed SJ 03/21/02)

Rep. Arndt moved that the House concur and spoke in favor..

Adopted.

**HB 295-FN**, relative to medicaid recoveries from third party settlements. (Amendment printed SJ 01/17/02)

Rep. Kurk moved that the House concur.

Rep. Emerton spoke in favor.

Adopted.

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that: supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (Amendments printed SJ 01/24/02 and 02/20/02)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications, removed by Rep. Peterson.

**SB 420-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift investigator, removed by Rep. Letourneau

**SB 440**, relative to rules for water conservation, removed by Rep. Bruno.

Consent Calendar adopted.

**SB 337**, relative to consent orders in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward P. Moran for Children and Family Law: This bill allows the Department of Health and Human Services to enter into consent orders with people in child protection cases without requiring a finding of abuse or neglect by the court. Vote 12-0.

### Amendment (3029h)

Amend the bill by replacing section 1 with the following:

1 Child Protection Act; Consent Order; Finding of Abuse and Neglect. Amend RSA 169-C:17, II to read as follows:

II. A consent order shall not be approved unless the department consents and the child and parents, guardian, or custodian are informed of the consequences of the order by the court and the court determines that the child and parents voluntarily and intelligently consent to the terms and conditions of the order. *A consent order under this section may include a finding of abuse or neglect; however, a finding of abuse or neglect shall not be required except where the consent order provides for out-of-home placement of the child.*

**SB 367**, relative to the guardian ad litem board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill adds two legislative members to the board and makes certain technical changes. The board is already in place working on their rules. The committee felt these changes were necessary. Vote 15-0.

**Amendment (3163h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Guardian Ad Litem Board. Amend RSA by inserting after chapter 490-B the following new chapter:

**CHAPTER 490-C  
GUARDIAN AD LITEM BOARD**

490-C:1 Board Established. There is hereby established a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline for guardians ad litem appointed in New Hampshire.

490-C:2 Membership.

I. The board shall consist of the following members:

- (a) One member representing the New Hampshire supreme court, appointed by the chief justice of the New Hampshire supreme court.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member of the house, appointed by the speaker of the house.
- (d) The executive director of the New Hampshire judicial council.
- (e) One member of Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the governor.
- (f) One member representing the division of children, youth, and families, or Casey family services, or another child protection agency in the state, appointed by the governor.
- (g) One member representing the interests of guardians ad litem, appointed by the governor.
- (h) Two members of the general public representing the interests of those individuals receiving the services of guardians ad litem, appointed by the governor.

II. The members of the board shall serve without compensation.

III. All members of the board shall be New Hampshire residents.

490-C:3 Terms of Appointment; Organization; Meetings.

I.(a) The terms of the executive director of the judicial council, the member representing the New Hampshire supreme court, and the member representing the child protection agency shall be for 5 years and until a successor is appointed. The terms of the members representing the senate and house shall be concurrent with their terms of office. The terms of the members appointed under RSA 490-C:2, I (e) and (f) shall be for 3 years. Vacancies in board membership shall be filled in the same manner as the original appointment.

(b) All initial appointments to the board shall be made within 60 days of the effective date of this section.

II. The board shall elect a chairperson and secretary from among its members.

III. The board shall conduct regular meetings on a monthly basis or at such other times as may be determined by the board or its chairperson.

490-C:4 Duties of the Board. The duties of the board include:

I. Commissioning the participation of Franklin Pierce Law Center, the regional community-technical college system, or another appropriate in-state educational institution to provide training for guardians ad litem on a tuition basis.

II. Compiling and maintaining a list of those guardians ad litem statewide who are certified and in good standing and making such list available to the general public online through Webster, the official internet site for the state of New Hampshire, maintained by the department of administrative services or its designee.

III. Investigating the current cost and fee structure established under New Hampshire supreme court rules 48 and 48-A, and making recommendations to the legislature for appropriate action as necessary.

490-C:5 Rulemaking Authority. The board shall adopt rules for guardians ad litem, pursuant to RSA 541-A, relative to the following:

I. Application process and certification criteria.

II. Training requirements.

III. Continuing educational requirements.

IV. Specific duties to be performed, consistent with the provisions of RSA 463.

V. Formal evaluation process for performance.

VI. Procedures for processing complaints and addressing disciplinary issues.

VII. Fee schedule for obtaining certification.

490-C:6 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New Hampshire shall be accountable to the guardian ad litem board for complying with the training requirements established by the board under RSA 490-C:5, II and for the actions of its volunteer members who are appointed by the court as guardians ad litem in child abuse and neglect cases.

490-C:7 Administrative Attachment. The board shall be administratively attached to the department of administrative services.

2 Transition; Regulation of Guardian Ad Litem. New Hampshire court rules adopted prior to the effective date of this act shall remain in effect until replaced through the adoption of rules by the guardian ad litem board under RSA 490-C, as inserted by this act.

3 Repeal. RSA 463:33 – 463:38, relative to the guardian ad litem board, are repealed.

4 Effective Date. This act shall take effect upon its passage.

**SB 408**, governing records management of abuse or neglect reports. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: This bill requires the Department of Health and Human Services to delete or destroy all records of screened out abuse and neglect reports after one year, of unfounded reports after 3 years, and founded reports after 7 years. This bill is the direct result of a study committee review done in the year 2001. Vote 12-0.

**Amendment (3086h)**

Amend RSA 169-C:35-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The department shall retain a founded report for 7 years from the date that the petitioner has exhausted or failed to exercise his or her due process right to appeal the department's determination to found the report, after which time, the department shall delete or destroy all electronic and paper records of the report.

Amend RSA 169-C:35-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Nothing in this section shall prevent the department from retaining generic, non-identifying information which is required for state and federal reporting and management purposes.

**SB 409**, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry. **OUGHT TO PASS**

Rep. L. Randy Lyman for Children and Family Law: This bill, as amended, clarifies the amount of time a founded report of child abuse and neglect is to be listed in the central registry and establishes a procedure for individuals to petition to have their names removed from the registry. Vote 12-0.

**SB 433**, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases. **OUGHT TO PASS**

Rep. Cynthia J. Dokmo for Children and Family Law: This bill requires the establishment of a standardized protocol for interviewing, assessing and investigating child abuse and neglect cases. The protocol is required to minimize the impact on the child, while protecting the rights of all affected parties. Vote 16-0.

**SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill provides that a minor adjudged delinquent whose disposition includes an order of conditional release extending beyond the juvenile's seventeenth birthday, or, deferred, or imposed incarceration at an adult correction facility shall have the right to a jury trial prior to such incarceration. Vote 15-0.

**Amendment (3258h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Delinquent Children; Limited Right to a Jury Trial. Amend RSA 169-B:19 by inserting after paragraph III-a the following new paragraph:

III-b.(a) A minor who meets the criteria for commitment to an adult correctional facility pursuant to RSA 169-B:4, RSA 169-B:19, III, or RSA 169-B:19, III-a, and whose disposition includes an order of conditional release extending beyond the juvenile's age of majority, or suspended, deferred, or imposed incarceration at an adult correctional facility shall not be committed without first being afforded the right to a jury trial or waiving the right to a jury trial.



(b) Any minor sentenced after a contested adjudicatory hearing to an order of conditional release extending beyond the juvenile's age of majority or suspended, deferred, or imposed incarceration at an adult correctional facility may, after the disposition is issued, request a de novo trial before a jury. To obtain a de novo jury trial under this chapter, the juvenile shall file a written request in the clerk's office within 3 days of the dispositional order. A copy of the written request shall also be provided to the local prosecutor and the county attorney. The request shall be given priority on the court's calendar. Whenever possible, any such hearing shall be held in a district court building equipped with jury capability. It shall be conducted by a district court judge specially assigned by the administrative judge of the district court. The jury panel shall be chosen from the jury pool of the superior court serving the county in which the court is located.

(c) The court in which the petition originated shall retain jurisdiction over all matters and orders pertaining to the placement, supervision and treatment of the juvenile during the pendency of the pre-trial and trial proceedings. The request for jury trial shall not suspend any provisions of the original court's order regarding placement, supervision, evaluation, or treatment. All other orders shall be vacated pending the de novo jury trial. The judge assigned to conduct the jury trial shall have authority to preside over the jury trial, decide trial management issues, and rule on all pre-trial and post-trial adjudicatory findings. In the event the juvenile waives the right to jury trial after the case has been specially assigned, the case shall be returned to the court in which the petition originated for continued action pursuant to this chapter.

(d) In the event the jury returns a finding of not true on all charges, the dispositional order in its entirety shall be vacated. In the event the jury returns a finding of true on one or more of the charges, the trial judge shall review and may reinstate or modify only those portions of the dispositional order made by the originating court suspended under this section during the pendency of the de novo process. In all other respects, the original dispositional order shall remain in effect.

(e) The provisions of RSA 169-B:34 through 169-B:38, relating to confidentiality of proceedings and records, shall apply to all de novo trials conducted pursuant to this section.

2 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill provides that a minor adjudged delinquent whose disposition includes an order of conditional release extending beyond the juvenile's age of majority, or suspended, deferred, or imposed incarceration at an adult correctional facility shall have the right to a jury trial.

### **SB 302**, relative to privacy in the relationship between financial institutions and customers. **IN-EXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to allow the county attorney to delegate responsibility for investigation of personal bank records upon suspicion of fraud. The privacy relationship between a bank and its customer is unique and deserves special protection. The current law allows local law enforcement agencies to gain access to bank records either by obtaining a subpoena from the court, or determination of probable cause by either the Attorney General's Office or the county attorney. The committee believes that this determination of probable cause is an important safeguard to privacy. Vote 14-0.

### **SB 313**, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill addresses one very simple issue. If adopted the fines for anyone who falsely represents his or her ages for the purpose of procuring liquor will be doubled. The current fine for a first offence is \$250 that would be increased to \$500. If there is a second offense the current law requires payment of a fine of \$500. Should the provisions of this bill be adopted, the fine for a second offense would be increased to \$1000. Vote 15-0.

### **SB 334**, relative to grounds for refusal or denial of hotel accommodations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill embodies in law certain current practices relating to denial of hotel accommodations while clarifying the evidence on which denials are to be based. A provision legally authorizing hosts to require a deposit raised concerns that it had potential to be used as cover for discrimination solely on appearances, and it was amended out of the bill. Vote 15-0.

**Amendment (3376h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Hotels, Tourist Cabins, Etc.; Refusal or Denial of Accommodations. Amend RSA 353 by inserting after section 3-b the following new section:

353:3-bb Refusal or Denial of Accommodations.

I. A hotel keeper, including any person keeping public lodging houses, tourist camps, or cabins, may refuse or deny any accommodations, facilities, or privileges of a hotel, lodging house, or campground to:

(a) Any person who is unwilling or unable to pay for accommodations and services of the hotel, lodging house, or campground. The hotel keeper may require the prospective guest to demonstrate the ability to pay by cash, valid credit card, or a validated check.

(b) Any person under the age of 18 who does not present a signed notification from a parent or legal guardian that the parent or legal guardian accepts liability of the guest room or campground site costs, taxes, all charges by the guest, and any damages to the hotel, lodging house, campground, guest room, or its furnishings or to the campground site caused by the minor guest while at the hotel, lodging house, or campground to the extent that such costs, taxes, damages, or charges exceed the amount of cash or credit card deposit already provided by the guest.

(c) Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house or a site in the campground to be exceeded. For purposes of this subparagraph, the limit represents the number permitted by local ordinances or reasonable standards of the hotel, lodging house, or campground relating to health, safety, or sanitation.

II. Nothing in this section authorizes any hotel keeper to violate the state law against discrimination, RSA 354-A.

2 Hotels, Tourist Cabins, Etc.; Ejection of Guests. Amend RSA 353:3-c, I and II to read as follows:

I. All hotel keepers and all persons keeping public lodging houses or cabins may remove or cause to be removed from such establishment any guest remaining in a rental unit in violation of RSA 353:3-b *or* **RSA 353:3-bb** by notifying such guest that the establishment no longer desires to entertain him *or her* and requesting that [he] *the guest* immediately leave. Any guest who remains or attempts to remain in a rental unit after being so requested to leave shall be guilty of a violation. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

II. All hotel keepers and persons keeping public lodging houses, cabins, or any rental unit may immediately remove or cause to be immediately removed by any law enforcement officer of this state, any guest who willfully denies other guests their right to quiet enjoyment of their tenancies, ~~[or who violates any local or state law]~~ *including but not limited to any guest who:*

(a) *Disturbs, threatens, or endangers other guests;*

(b) *Is less than 21 years of age and possesses alcohol;*

(c) *Possesses illegal drugs;*

(d) *Violates any rule of the hotel, lodging house, or campground that is posted in a conspicuous place and manner at the guest registration desk and in each guest room; or*

(e) *Violates any local or state law.*

*II-a.* ~~Said~~ **The** right to remove, or cause to be removed, shall arise after the hotel keeper or person keeping a public lodging house, or cabin, or their agents makes a reasonable attempt to verbally warn said guest to cease and desist said breach of quiet enjoyment or violation of local or state law. Upon such immediate eviction, the guest shall be refunded the unused portion of his *or her* pre-paid rental fee less damage charges for his *or her* actions. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

3 Effective Date. This act shall take effect upon its passage.

**SB 345**, making the misrepresentation of the geographic location of a business a violation of the consumer protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill addresses the question of remote call forwarding services. During the course of the hearing it came to light that in both the white pages and the yellow pages of the local telephone directory, there is listed florist names that have no addresses but may have the directories' city for a name with a local telephone exchange. Should you dial that number the call will be forwarded to some other location, often in some other state. Based upon what is

said when the call is placed, there is a possibility that a "deceptive practice" violation of the Consumer Protection Act may occur and can be addressed by the attorney general. This is especially true now because of the tightening of the Consumer Protection Act, which appears at this writing to be headed for the Governor's desk. The committee strongly opposed this legislation because of unexpected or unanticipated results that would adversely effect otherwise legitimate New Hampshire businesses that may use this practice to gain new customers and provide toll free phone service for their out-of-town customers. Vote 17-0.

**SB 348**, relative to the retail pricing of beer. **REFER FOR INTERIM STUDY**

Rep. Paul D. Spiess for Commerce: The original intent of this bill was to establish a floor retail price for beer at the wholesale price of the product as set by the distributor. The committee is uncomfortable with any aspect of price control, but is sensitive to the concern of small retail establishments that large retail franchises can engage in predatory pricing practices by selling beer at below cost. The committee considered an amendment that would have allowed small stores to buy up to 150 cases per month from large retailers at discounted retail prices. This alternative, however, raised serious taxation and enforcement questions. After giving full consideration to the issues raised, the committee voted unanimously to recommend interim study with the full intent to bring forward legislation in the next session if appropriate. The study will focus on the value of maintaining a three tier distribution structure, the impact of the current exclusive wholesale distributor system, and whether certain retailers are engaging in predatory pricing practices. Vote 16-0.

**SB 371-FN**, relative to the regulation of manufactured housing parks. **OUGHT TO PASS**

Rep. Marshall E. Quandt for Commerce: This bill addresses the award of damages and attorney fees in manufactured housing park disputes to protect against frivolous complaints. The bill amends the membership of the Board of Manufactured Housing by two members appointed by the Governor. Vote 13-0.

**SB 392**, establishing a committee to study certification of mortgage loan originators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser for Commerce: This bill in its original form established a committee to study the feasibility of certifying and regulating non-bank mortgage loan originators, including appropriate levels of training and testing for issues involving mortgage originators. It has been amended to add a new chapter RSA 384-G, entitled "Regulation of Revolving Credit Plans." This chapter regulates the terms and conditions of open-end credit. Currently, open-end credit is not subject to regulation in this state. Accordingly, many of the terms of the borrowers and lenders are now derived from common law. This chapter would clarify the rights and duties of borrowers and lenders, providing for greater certainty in the law. If the provisions of SB 392, as amended, were to be adopted by the General Court it would in fact establish criteria for the regulation of revolving credit plans, having the rights and liabilities of a bank or other financial institution. The definition of a "bank" would not only include a bank but also a trust company, savings association and credit union chartered by the state, and also now include revolving credit plans. The bill defines a revolving credit plan as a plan contemplating the extension of credit, governed by an agreement between the bank and a borrower. A "bank" can collect periodic interest based on an interest rate that may vary from time to time. It may charge reasonable fees for services, fees such as processing fees, official fees and taxes, normal costs by reason of an examination of title, inspection, appraisal, recording and mortgage satisfaction. The bill refers frequently to the rights and liabilities of the parties to the agreement. The agreement will be the governing factor. The bill permits an agreement to have variable rates to apply to all or any part of the outstanding indebtedness, and permits variable rates contingent upon the happening of any event or circumstance (i.e. default). For consumer borrowers, prepayment charges are not allowed for payment of the outstanding unpaid indebtedness in full, but may be imposed for the payoff and termination of revolving credit plans, including those secured by real estate. Insurance may not be required of a consumer borrower unless real or personal property secures the revolving credit. Pyramiding of late charges is not permitted. For purposes of payment of late fees, payments by the borrower shall be deemed to be applied to satisfaction of installments in the order in which they become due. Agreements may be amended whether relating to rates of interest, the manner calculating periodic interest, variable schedules or other matters, and may be applied to indebtedness. If however, an amendment to the agreement increases the interest rate, a bank is required to provide clear and conspicuous notice at least 15 days prior to the

effective date. Borrowers electing not to accept an amendment are permitted to pay the outstanding unpaid indebtedness in accordance with the rate of interest charged by a bank without giving effect to the proposed increase. The banking department has full supervisory powers over state-chartered banks for compliance with this section and enforcing this chapter. This bill applies to any state-chartered bank and any federal bank, including a national bank that maintains its principal place of banking business in New Hampshire. Vote 12-0.

### **Amendment (3118h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of revolving credit plans.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Regulation of Revolving Credit Plans. Amend RSA by inserting after chapter 384-F the following new chapter:

### **CHAPTER 384-G REGULATION OF REVOLVING CREDIT PLANS**

384-G:1 Definitions. In this chapter:

I. "Bank" means a bank, trust company, savings association or credit union, which is chartered by this state or by any authority or agency of the United States and having its principal place of banking business in this State and any foreign bank agency.

II. "Bank commissioner" means the New Hampshire bank commissioner.

III. "Borrower" means any corporation, partnership, association, government or governmental subdivision or agency, trust, individual, or other entity.

IV. "Credit device" means any card, check, identification code or other means of identification contemplated by the agreement governing the plan.

V. "Individual borrower" means a borrower who is a natural person borrowing for personal, household, or family purposes.

VI. "Loans" mean cash advances or loans to be paid to or for the account of the borrower.

VII. "Outstanding unpaid indebtedness" means on any day an amount not in excess of the total amount of purchases and loans charged to the borrower's account under the plan which is outstanding and unpaid at the end of the day, after adding the aggregate amount of any new purchases and loans charged to the account as of that day and deducting the aggregate amount of any payments and credits applied to that indebtedness as of that day and, if the agreement providing the plan so provides, may include the amount of any periodic interest, interest charges and other charges permitted by this subchapter, including late or delinquency charges, which have accrued in the account and which are unpaid at the end of the day. Purchases and loans may be included in outstanding unpaid indebtedness as of such time as may be specified in the agreement governing the plan.

VIII. "Purchases" mean payments for property of whatever nature, real or personal, tangible or intangible, and payments for services, licenses, taxes, official fees, fines, private or governmental obligations, or any other thing of value.

IX. "Revolving credit plan" or "plan" means a plan contemplating the extension of credit under an account governed by an agreement between a bank and a borrower pursuant to which:

(a) The bank permits the borrower and, if the agreement governing the plan so provides, persons acting on behalf of or with authorization from the borrower, from time to time to make purchases and/or to obtain loans by use of a credit device;

(b) The amounts of such purchases and loans are charged to the borrower's account under the revolving credit plan;

(c) The borrower is required to pay the bank the amounts of all purchases and loans charged to such borrower's account under the plan but has the privilege of paying such amounts outstanding from time to time in full or otherwise in accordance with the agreement governing the plan; and

(d) Interest may be charged and collected by the bank from time to time on the outstanding unpaid indebtedness under such plan.

384-G:2 Extension of Credit. Any bank may, subject to any limitations on lending authorities contained in its charter or otherwise imposed by law and subject to the other provisions of this chapter, offer and extend credit under a revolving credit plan to a borrower and in connection therewith may charge and collect periodic interest, interest charges and other charges permitted by this subchapter and may take such security as collateral in connection therewith as may be acceptable to the bank. Without limitation of the foregoing, credit may be extended under a revolving credit plan by a bank's

acquisition of obligations arising out of the honoring by a merchant, a bank or other financial institution, whether chartered or organized under the laws of this or any other state, the District of Columbia, the United States or any district, territory or possession of the United States, or any foreign country, or a government or governmental subdivision or agency of a credit device made available to a borrower under a plan, whether directly or indirectly by means of telephone, point of sale terminal, automated teller machine or other electronic or similar device or through the mails.

**384-G:3 Periodic Interest.** A bank may charge and collect periodic interest under a revolving credit plan on outstanding unpaid indebtedness in the borrower's account under the plan at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing the plan provides or as established in the manner provided in the agreement governing the plan. Periodic interest may be calculated using an average daily balance, 2-cycle average daily balance, adjusted balance or previous balance method or using any other balance computation method provided for in the agreement governing the plan. Periodic billing cycles may be established in such manner and shall have such duration as may be specified in the agreement governing the plan.

**384-G:4 Variable Rates.** If the agreement governing the revolving credit plan so provides, the periodic percentage rate or rates of interest under such plan may vary in accordance with a schedule or formula. Such periodic percentage rate or rates may vary from time to time as the rate determined in accordance with such schedule or formula varies and such periodic percentage rate or rates, as so varied, may be made applicable to all or any part of outstanding unpaid indebtedness under the plan on or after the first day of the billing cycle that contains the effective date of such variation including any such indebtedness arising out of purchases made or loans obtained prior to such variation in the periodic percentage rate or rates. Without limitation, a permissible schedule or formula hereunder may include provision in the agreement governing the plan for a change in the periodic percentage rate or rates of interest applicable to all or any part of outstanding unpaid indebtedness, whether by variation of the then applicable periodic percentage rate or rates of interest, variation of an index or margin or otherwise, contingent upon the happening of any event or circumstance specified in the plan, which event or circumstance may include the failure of the borrower to perform in accordance with the terms of the plan.

**384-G:5 Interest Charges.**

I. In addition to or in lieu of interest at a periodic percentage rate or rates as provided in RSA 384-G:3 and RSA 384-G:4, a bank may, if the agreement governing the revolving credit plan so provides, charge and collect, as interest, in such manner or form as the plan may provide, one or more of the following:

(a) A daily, weekly, monthly, annual or other periodic charge in such amount or amounts as the agreement may provide for the privileges made available to the borrower under the plan.

(b) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan.

(c) A minimum charge for each daily, weekly, monthly, annual or other scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(d) Reasonable fees for services rendered or for reimbursement of expenses incurred in good faith by the bank or its agents in connection with the plan, or other reasonable fees incident to the application for and the opening, administration and termination of a plan including, without limitation, commitment, application and processing fees, official fees and taxes, costs incurred by reason of examination of title, inspection, appraisal, recording, mortgage satisfaction or other formal acts necessary or appropriate to the security for the plan, and filing fees.

(e) Returned payment charges or charges imposed for the return of a draft drawn on a revolving credit plan evidencing an extension of credit under such plan.

(f) Documentary evidence charges.

(g) Stop payment fees.

(h) Overlimit charges.

(i) Automated teller machine charges or similar electronic or interchange fees or charges.

(j) Prepayment charges authorized under paragraph II.

(k) Subject to any limitations contained in this chapter, such other fees and charges as are set forth in the agreement governing the plan.

II. An individual borrower may pay the outstanding unpaid indebtedness charged to the borrower's account under a plan in full at any time. Except for a charge imposed to terminate a plan if the agreement governing the plan so provides, a bank may not impose any prepayment charge

in connection with the payment of outstanding unpaid indebtedness in full by an individual borrower. A bank may charge and collect any prepayment penalty or charge specified in the agreement governing the plan in connection with the payoff and termination of a plan that is secured by a real estate mortgage. The terms of prepayment of the outstanding unpaid indebtedness relating to a revolving credit plan involving a borrower other than an individual borrower shall be as the bank and the borrower may agree.

III. No charges assessed by a bank in accordance with this section shall be deemed void as a penalty or otherwise unenforceable under any statute or the common law.

384-G:6 Terms for Indebtedness. A bank may, if the agreement governing a revolving credit plan so provides, impose different terms (including, without limitation, the terms governing the periodic percentage rate or rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which such rate or rates are applied, the amounts of other charges, and the applicable installment repayment schedule) in respect to indebtedness arising out of purchases and indebtedness arising out of loans made under the plan.

384-G:7 Overdraft Accounts. If credit under a revolving credit plan is offered and extended in connection with a demand deposit account or other transaction account maintained by the borrower with a bank that is also a depository institution pursuant to an agreement or arrangement whereby such bank agrees to honor checks, drafts, or other debits to such account, which if paid would create or increase a negative balance in such account, by making extensions of credit to such borrower under such revolving credit plan, any charges customarily imposed by such bank under the terms governing such demand deposit or other transaction account in the absence of any associated revolving credit plan (including, without limitation, check charges, monthly maintenance charges, checkbook charges, charges for checks drawn on funds in excess of an available line of credit and other similar charges) may continue to be imposed on such account without specific reference thereto or incorporation thereof by reference in the agreement governing the revolving credit plan and the amount of any such charge, to the extent the balance in such demand deposit or other transaction account is insufficient to pay such a charge, may be charged to the borrower's account under the plan as a loan thereunder and may be included in outstanding unpaid indebtedness in accordance with the terms of the agreement governing such revolving credit plan.

384-G:8 Omitted Installments. A bank may at any time and from time to time unilaterally extend to a borrower under a revolving credit plan the option of omitting monthly installments.

384-G:9 Insurance.

I. A bank may request but not require an individual borrower to be insured in respect of a revolving credit plan under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that an individual borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, a bank may require the borrower to obtain insurance from a licensed insurer against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

II. In the case of a borrower borrowing under a revolving credit plan for other than personal, household or family purposes, a bank may require the borrower to obtain insurance, from a licensed insurer acceptable to the bank, under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that the borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, the bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

III. The offer and placement of insurance under this section shall be subject in all respects to the applicable provisions of title 37.

384-G:10 Delinquent Installments.

I. If the agreement governing a revolving credit plan so provides, a bank may impose, as interest, a late or delinquency charge upon any outstanding unpaid installment payments or portions thereof under the plan which are in default; provided however, that no more than one such late or delinquency charge may be imposed in respect of any single such installment payment or portion thereof, regardless of the period during which it remains in default; and provided further, however, that for the purpose only of the preceding proviso all payments by the borrower shall be deemed to be applied to satisfaction of installment payments in the order in which they become due. Nothing

contained in this section shall limit, restrict or otherwise affect the right of a bank under and pursuant to RSA 384-G:4 and RSA 384-G:5 to change the periodic percentage rate or rates of interest applicable to the revolving credit plan between the bank and a borrower upon the occurrence of a delinquency or default or other failure of the borrower to perform in accordance with the terms of the plan.

II. No charges assessed by a bank in accordance with this section shall be deemed void as a penalty or otherwise unenforceable under any statute or the common law.

384-G:11 Attorney's Fees; Costs. In the event a borrower defaults under the terms of a plan, the bank may, if the borrower's account is referred to an attorney (not a regularly salaried employee of the bank) or to a third party for collection and if the agreement governing the revolving credit plan so provides, charge and collect from the borrower a reasonable attorney's fee. In addition, following a borrower's default, the bank may, if the agreement governing the plan so provides, recover from the borrower all court, alternative dispute resolution or other collection costs, including, without limitation, fees and charges of collection agencies, actually incurred by the bank.

384-G:12 Amendment of Agreement.

I. Unless the agreement governing a revolving credit plan otherwise provides, a bank may at any time and from time to time amend such agreement in any respect, whether or not the amendment or the subject of the amendment was originally contemplated or addressed by the parties or is integral to the relationship between the parties. Without limiting the foregoing, such amendment may change terms by the addition of new terms or by the deletion or modification of existing terms, whether relating to plan benefits or features, the rate or rates of periodic interest, the manner of calculating periodic interest or outstanding unpaid indebtedness, variable schedules or formulas, interest charges, fees, collateral requirements, methods for obtaining or repaying extensions of credit, attorney's fees, plan termination, the manner for amending the terms of the agreement, arbitration or other alternative dispute resolution mechanisms, or other matters of any kind whatsoever. Unless the agreement governing a revolving credit plan otherwise expressly provides, any amendment may, on and after the date upon which it becomes effective as to a particular borrower, apply to all then outstanding unpaid indebtedness in the borrower's account under the plan, including any such indebtedness that arose prior to the effective date of the amendment. An agreement governing a revolving credit plan may be amended pursuant to this section regardless of whether the plan is active or inactive or whether additional borrowings are available thereunder. Any amendment that does not increase the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may become effective as determined by the bank, subject to compliance by the bank with any applicable notice requirements under the Truth in Lending Act 15 U.S.C. 1601 et seq., and the regulations promulgated thereunder, as in effect from time to time. Any notice of an amendment sent by the bank may be included in the same envelope with a periodic statement or as part of the periodic statement or in other materials sent to the borrower.

II.(a) If an amendment increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4, the bank shall mail or deliver to the borrower, at least 15 days before the effective date of the amendment, a clear and conspicuous written notice that shall describe the amendment and shall also set forth the effective date thereof and any applicable information required to be disclosed pursuant to the following provisions of this section.

(b) Any amendment that increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may become effective as to a particular borrower if the borrower does not, within 15 days of the earlier of the mailing or delivery of the written notice of the amendment or such longer period as may be established by the bank, furnish written notice to the bank that the borrower does not agree to accept such amendment. The notice from the bank shall set forth the address to which a borrower may send notice of the borrower's election not to accept the amendment and shall include a statement that, absent the furnishing of notice to the bank of nonacceptance within the referenced 15 day or longer time period, the amendment will become effective and apply to such borrower. As a condition to the effectiveness of any notice that a borrower does not accept such amendment, the bank may require the borrower to return to it all credit devices. If, after 15 days from the mailing or delivery by the bank of a notice of an amendment or such longer period as may have been established by the bank as referenced in this section, a borrower uses a plan by making a purchase or obtaining a loan, notwithstanding that the borrower has prior to such use furnished the bank notice that the borrower does not accept an amendment, the

amendment may be deemed by the bank to have been accepted and may become effective as to the borrower as of the date that such amendment would have become effective but for the furnishing of notice by the borrower or as of any later date selected by the bank.

(c) Any amendment that increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may, in lieu of the procedure referenced in RSA 384-G:12, II(b), become effective as to a particular borrower if the borrower uses the plan after a date specified in the written notice of the amendment that is at least 15 days after the mailing or delivery of the notice (but that need not be the date the amendment becomes effective) by making a purchase or obtaining a loan; provided, that the notice from the bank includes a statement that the described usage after the referenced date will constitute the borrower's acceptance of the amendment.

(d) Any borrower who furnishes timely notice electing not to accept an amendment in accordance with the procedures referenced in subparagraph II(b) and who does not subsequently use the plan, or who fails to use such borrower's plan as referenced in subparagraph II(c), shall be permitted to pay the outstanding unpaid indebtedness in such borrower's account under the plan in accordance with the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 without giving effect to the amendment.

(e) Notwithstanding the other provisions of this chapter, no notice required by this paragraph of an amendment of an agreement governing a revolving credit plan shall be required, and any amendment may become effective as of any date agreed upon between a bank and a borrower, with respect to any amendment that is agreed to in written form between the bank and the borrower.

III. For purposes of this section, the following are examples of amendments that shall not be deemed to increase the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4:

(a) A decrease or increase in the required number or amount of periodic installment payments;

(b) Any change to a plan that increases the rate or rates in effect immediately prior to the change by less than 1/4 of one percentage point per annum; provided that a bank may not make more than one such change in reliance on this paragraph with respect to a plan within any 12-month period;

(c)(1) A change in the schedule or formula used under a variable rate plan under RSA 384-G:4 that varies the determination date of the applicable rate, the time period for which the applicable rate will apply or the effective date of any variation of the rate, or any other similar change; or

(2) Any other change in the schedule or formula used under a variable rate plan under RSA 384-G:4; provided, that the initial interest rate that would result from any such change under subparagraph III(c), as determined on the effective date of the change or, if notice of the change is mailed or delivered to the borrower prior to the effective date, as of any date within 60 days before mailing or delivery of such notice, will not be an increase from the rate in effect on such date under the existing schedule or formula;

(d) A change from a variable rate plan to a fixed rate, or from a fixed rate to a variable rate plan so long as the initial rate that would result from such a change, as determined on the effective date of the change, or if the notice of the change is mailed or delivered to the borrower prior to the effective date, as of any date within 60 days before mailing or delivery of such notice, will not be an increase from the rate in effect on such date under the existing plan;

(e) A change from a daily periodic rate to a periodic rate other than daily or from a periodic rate other than daily to a daily periodic rate; and

(f) A change in the method of determining the outstanding unpaid indebtedness upon which periodic interest is calculated, including, without limitation, a change with respect to the date by which or the time period within which a new balance or any portion thereof must be paid to avoid additional periodic interest.

IV. The procedures for amendment by a bank of the terms of a plan to which a borrower other than an individual borrower is a party may, in lieu of the provisions of this section, be as the agreement governing the plan may otherwise provide.

384-G:13 Examinations. Subject to federal preemption where applicable:

I. The banking department may examine the business affairs of any bank, as it deems necessary to determine whether a revolving credit plan complies with this chapter and the rules adopted hereunder and also with RSA 399-B, the Truth in Lending Act, 15 U.S.C. 1601 et seq., and any other applicable law or regulation. In determining compliance, the banking department may examine the books, accounts, records, files, and other documents or matters of any bank or person. In



conjunction therewith, the banking department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

II. A bank shall maintain such records as will enable the banking department to examine whether the bank's business is in compliance with the provisions of this chapter and the rules adopted pursuant to it. Such records shall be maintained and made available for examination for a period of at least 3 years after the loan is closed, if the loan is not retained in the bank's loan portfolio, or 3 years after the loan is paid in full, if the loan is retained in the bank's loan portfolio. Banks may maintain photocopies, microfilm, microfiche, or electronic copies of original documents.

III. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any bank and of any person by whom any such loan is made, whether such person shall claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such loans or business.

IV. The affairs and records within this state of every bank shall be subject at any time to such periodic, special, regular, or other examination by the banking department, with or without notice to the bank. All books, papers, files, related material, and records of assets of the bank shall be subject to the banking department's examination.

V. Any agent of the banking department may make a thorough examination into the business affairs of each bank and shall report any violations of law, rule, or standard business practice to the banking department.

VI. The expense of such examination shall be chargeable to and paid by the bank. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11.

#### 384-G:14 Enforcement.

I. Subject to federal preemption where applicable, the bank commissioner shall administer and enforce the provisions of this chapter. The bank commissioner may take enforcement action to remedy any act or practice which violates this chapter, including injunctive relief and restitution.

II. Any borrower injured by any such act or practice in violation of RSA 384-G may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper, against a bank. A prevailing plaintiff shall be awarded reasonable attorneys' fees and costs, as determined by the court. If the court finds that an action initiated by the plaintiff under this paragraph was frivolous, the court shall give reasons thereof in writing and may assess reasonable attorneys' fees and costs.

384-G:15 Rulemaking. Pursuant to RSA 541-A, the bank commissioner may adopt such rules as the bank commissioner deems necessary to the administration and enforcement of this chapter. Such rules shall be consistent with the provisions of this chapter.

384-G:16 Application of Other State Laws. Extensions of credit and other transactions conducted pursuant to this chapter shall be subject where applicable to the provisions of RSA 399-B. Any other law of this state limiting the rate or amount of interest, discount, points, finance charges, service charges or other charges which may be charged, taken, collected, received or reserved, or providing for enforcement action or remedies shall not apply to extensions of credit under a revolving credit plan operated in accordance with this chapter.

#### 384-G:17 Application; Captions.

I. The provisions of this chapter shall apply to and exclusively govern a revolving credit plan, provided that the plan references this chapter in the agreement and states that the provisions of this chapter shall so govern.

II. Section headings and captions contained in this chapter are inserted only as a matter of convenience and for reference and do not, and shall not be construed to, define, limit, extend or describe the scope of this chapter or the meaning or intent of any section hereof.

384-G:18 Materiality of Terms. All terms, conditions and other provisions of and relating to a plan as contained in this chapter or in the agreement governing the plan other than those which are interest under this chapter, including, without limitation, provisions relating to the method of determining the outstanding unpaid indebtedness on which interest is applied, time periods within

which interest charges may be avoided, reasons for default and the right to cure any default, rights to accelerate, account cancellation, choice of law, change in terms requirements, rights to charge and collect attorney's fees, court and collection costs, and the compounding of periodic interest or interest charges, shall be and hereby are deemed to be material to the determination of interest applicable to a plan under New Hampshire law, under the most favored lender doctrine, and under Section 85 of the National Bank Act, 12 U.S.C. Section 85 or Section 521 of the Depository Institutions Deregulation and Monetary Control Act of 1980, 12 U.S.C. Section 1831d.

**384-G:19 Governing Law.** A revolving credit plan between a bank and a borrower shall be governed by the laws of this state.

**384-G:20 Severability.** If any provision of this chapter or the application of any section or part thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of the chapter are severable.

**2 Effective Date.** This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides for regulation by the banking department of revolving credit plan agreements between banks and borrowers.

**SB 404**, changing certain limitations on investment management fees and investments by banks acting as fiduciaries. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill makes two changes to the existing practices and laws governing a bank trust investment in affiliated securities. These changes are in keeping with changes that have been made in 48 other states. This conformity with other states is desirable and should serve to further enhance a business climate that supports the establishment of trust accounts in New Hampshire. Representatives of the Banking Department and the Office of the Attorney General supported the bill. Vote 14-0.

**SB 443-FN**, relative to the division of condominiums. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill, as amended, would allow a condominium formed, after the effective date of this new law, to include in their declaration and/or by-laws a provision to divide the condominium by 4/5 vote of the unit owners. The current law is a 100% vote of the unit owners. The committee declined to apply this provision to condominiums already in existence as an unlawful taking of property rights. Vote 15-0

### Amendment (3258h)

Amend RSA 356-B:34-a, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. This section shall apply to all condominiums within the state declared after the effective date of this section.

**SB 447**, requiring the real estate commission to create an agency disclosure form and an agency informational brochure. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: During the hearing the committee learned that the intent of the legislation was to require all real estate agents to give any new real estate buyer a Real Estate Commission brochure describing the several different kinds of arrangements or services all realtors may provide. This brochure must be delivered and signed at initial contact even though current law already requires disclosure at the time any agreements or contracts are offered. The Real Estate Commission's intent with the brochure was to inform consumers of the benefit of an "exclusive buyer's agent" even though an "exclusive buyer's agent" is not defined in the law. Unless and until the General Court addresses the issue of what constitutes an "exclusive buyer's agent", bills such as SB 447 must be resisted. Vote 15-0.

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill establishes the crime of intentional computer contamination. A person would be guilty of this crime if he or she knowingly introduces, or causes to be introduced, a computer contaminant into any computer or computer system without the authorization of the owner. According to the bill, a computer contaminant is de-

defined as any set of computer instructions, including but not limited to, the set of computer instructions commonly known as viruses or worms that are self-replicating or self propagating and are designed to contaminate other computer programs, computer data, consume computer resources, modify, destroy, record, transmit data, or in some other fashion usurp the normal operation of the computer, computer program, computer operations, computer services, or computer network. The amendment places the proposed language in the appropriate statutes RSA 638:16 and RSA 638:17, which deal with computer crime, and the penalties will be the same as the other computer related offenses under current statute RSA 638:18. The "typo" on page 4 of the amendment will be corrected by the enrolled bills process. Vote 16-1.

#### **Amendment (3257h)**

Amend the bill by replacing all after the enacting clause with the following:

I. Computer Crime; Definitions. RSA 638:16 is repealed and reenacted to read as follows:

I. "Access" means to instruct, communicate with, store data in, retrieve data from, intercept data from, or otherwise make use of any computer, computer network, computer program, computer software, computer data, or other computer resources.

II. "Authorization" means the express or implied consent given by a person to another to access or use said person's computer, computer network, computer program, computer software, password, identifying code, or personal identification number.

III. "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic or storage functions, and includes any data storage facility or communication facility directly related to or operating in conjunction with such device. The term "computer" includes any connected or directly related device, equipment, or facility which enables the computer to store, retrieve, or communicate computer programs, computer data, or the results of computer operations to or from a person, another computer, or another device, but such term does not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device.

IV. "Computer contaminant" means any set of computer instructions that are designed to modify, damage, destroy, record, or transmit information within a computer, computer system, or computer network without the authorization of the owner of the information. They include, but are not limited to, a group of computer instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to contaminate other computer programs or computer data, consume computer resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the computer, computer program, computer operations, computer services, or computer network.

V. "Computer data" means any representation of knowledge, facts, concepts, instruction, or other information computed, classified, processed, transmitted, received, retrieved, originated, stored, manifested, measured, detected, recorded, reproduced, handled, or utilized by a computer, computer network, computer program, or computer software, and may be in any medium, including, but not limited to, computer print-outs, microfilm, microfiche, magnetic storage media, optical storage media, punch paper tape, or punch cards, or it may be stored internally in read-only memory or random access memory of a computer or any other peripheral device.

VI. "Computer network" means a set of connected devices and communication facilities, including more than one computer, with the capability to transmit computer data among them through such communication facilities.

VII. "Computer operations" means arithmetic, logical, storage, display, monitoring, or retrieval functions or any combination thereof, and includes, but is not limited to, communication with, storage of data in or to, or retrieval of data from any device and the human manual manipulation of electronic magnetic impulses. A "computer operation" for a particular computer shall also mean any function for which that computer was designed.

VIII. "Computer program" means an ordered set of computer data representing instructions or statements, in a form readable by a computer, which controls, directs, or otherwise influences the functioning of a computer or computer network.

IX. "Computer software" means one or more computer programs, existing in any form, or any associated operational procedures, manuals, or other documentation.

X. "Computer services" means computer access time, computer data processing, or computer data storage, and the computer data processed or stored in connection therewith.

XI. "Computer supplies" means punch cards, paper tape, magnetic tape, magnetic disks or diskettes, optical disks or diskettes, disk or diskette packs, paper, microfilm, and any other tangible input, output, or storage medium used in connection with a computer, computer network, computer data, computer software, or computer program.

XII. "Computer resources" includes, but is not limited to, information retrieval, computer data processing, transmission and storage, and any other functions performed, in whole or in part, by the use of a computer, computer network, computer software, or computer program.

XIII. "Financial instrument" includes, but is not limited to, any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security or any computerized representation thereof.

XIV. "Owner" means any person who owns or leases or is a licensee of a computer, computer network, computer data, computer program, computer software, computer resources, or computer supplies.

XV. "Person" means any natural person, general partnership, limited partnership, trust, association, corporation, joint venture, or any state, county or municipal government and any subdivision, branch, department, or agency thereof.

XVI. "Property" includes:

(a) Real property;

(b) Computers and computer networks;

(c) Financial instruments, computer data, computer programs, computer software and all other personal property regardless of whether they are:

(1) Tangible or intangible;

(2) In a format readable by humans or by a computer;

(3) In transit between computers or within a computer network or between any devices which comprise a computer; or

(4) Located on any paper or in any device on which it is stored by a computer or by a human; and

(d) Computer services.

2 Computer Crime Penalties; Computer Contaminants. Amend RSA 638:17 to read as follows: 638:17 Computer Related Offenses.

I. A person is guilty of the computer crime of unauthorized access to a computer **[system] or computer network** when, knowing that **[he] the person** is not authorized to do so, he **or she** knowingly accesses or causes to be accessed any computer **[system] or computer network** without authorization. It shall be an affirmative defense to a prosecution for unauthorized access to a computer **[system] or computer network** that:

(a) The person reasonably believed that the owner of the computer **[system] or computer network**, or a person empowered to license access thereto, had authorized him **or her** to access; or

(b) The person reasonably believed that the owner of the computer **[system] or computer network**, or a person empowered to license access thereto, would have authorized **[him] the person** to access without payment of any consideration; or

(c) The person reasonably could not have known that his **or her** access was unauthorized.

II. A person is guilty of the computer crime of theft of computer services when he **or she** knowingly accesses or causes to be accessed or otherwise uses or causes to be used a computer **[system] or computer network** with the purpose of obtaining unauthorized computer services.

III. A person is guilty of the computer crime of interruption of computer services when **[he] the person**, without authorization, knowingly or recklessly disrupts or degrades or causes the disruption or degradation of computer services or denies or causes the denial of computer services to an authorized user of a computer **[system] or computer network**.

IV. A person is guilty of the computer crime of misuse of computer **[system] or computer network** information when:

(a) As a result of his **or her** accessing or causing to be accessed a computer **[system] or computer network**, **[he] the person** knowingly makes or causes to be made an unauthorized display, use, disclosure, or copy, in any form, of data residing in, communicated by, or produced by a computer **[system] or computer network**; or

(b) **[He] The person** knowingly or recklessly and without authorization:

(1) Alters, deletes, tampers with, damages, destroys, or takes data intended for use by a computer **[system] or computer network**, whether residing within or external to a computer **[system] or computer network**; or

(2) Intercepts or adds to data residing within a computer [system] *or computer network*; or

(c) [He] *The person* knowingly receives or retains data obtained in violation of subparagraph (a) or (b) of this paragraph; or

(d) [He] *The person* knowingly uses or discloses any data he *or she* knows or believes was obtained in violation of subparagraph (a) or (b) of this paragraph.

V. A person is guilty of the computer crime of destruction of computer equipment when [he] *or she*, without authorization, knowingly or recklessly tampers with, takes, transfers, conceals, alters, damages, or destroys any equipment used in a computer [system] *or computer network*, or knowingly or recklessly causes any of the foregoing to occur.

*VI. A person is guilty of the computer crime of computer contamination if such person knowingly introduces, or causes to be introduced, a computer contaminant into any computer, computer program, or computer network which results in a loss of property or computer services.*

3 Effective Date. This act shall take effect January 1, 2003.

### AMENDED ANALYSIS

This bill establishes a criminal offense for the introduction of computer contaminants which result in the impairment of computer operations or the loss of property. The bill also revises the definitions relative to computer related offenses.

**SB 386**, relative to automated external defibrillators. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: SB 386 establishes a register of Automatic External Defibrillators within the 911 system for businesses and public buildings that have chosen to make an AED available for medical emergencies. This register will allow those persons who call 911 to be advised if there is an AED at their present location and where it is located. Emergency personnel may also be advised of the presence of an AED by the dispatcher. Early intervention during heart attacks by the use of an AED has been proven to save lives. The committee amendment removes the requirement that AED's located in private residences be included in the registry. The committee feels that this bill is an important step to saving lives in New Hampshire. Vote 16-1.

### Amendment (3315h)

Amend RSA 153-A:33 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The provisions of paragraphs I and II shall not apply to owners who purchase an automated external defibrillator for use in a private residence.

### AMENDED ANALYSIS

This bill establishes an automated external defibrillator registry in the department of safety, and requires commercial owners to register their devices.

**SB 321-L**, clarifying the right to public education for children of homeless families. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell N. Cox for Education: This bill originally attempted to deal with school assignment and residency questions for homeless children. The bill raised more questions than answers. The amendment replaces the entire bill and does three things: 1) Establishes a committee to review and recommend residency solutions for homeless children, foster children, court ordered placements, etc. 2) Establishes a "school of origin", where the student was last enrolled, as a default school during any disputes on residency to assure that a homeless child will always have a school to attend. 3) Makes a technical correction by clarifying that the superintendents shall have the final decision in the public school choice bill passed earlier this year. Vote 15-0.

### Amendment (3193h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the existing statutory and administrative requirements regarding the legal residency of homeless children for the purposes of

primary and secondary public education and for the purpose of determining liability for the education of children placed in certain child care agencies, health care facilities, or state institutions.

## 2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

## 3 Duties. The committee shall:

I. Study existing statutory requirements and relevant department of education rules regarding the school assignment and legal residency of homeless children for the purposes of primary and secondary public education.

II. Study existing statutory requirements and relevant departmental rules regarding legal residency for the purpose of determining liability for the education of children placed in child care agencies, health care facilities, residential schools, state institutions, foster care placements, or court ordered placements.

III. Study the provisions of the McKinney-Vento Homeless Assistance Act and Title I of the Elementary and Secondary Education Act, as reauthorized by the No Child Left Behind Act of 2001 (Pub. L. 107-110), and recommend changes to state law deemed necessary or appropriate.

IV. Determine how funds received under the McKinney-Vento Homeless Assistance Act and Title I of the Elementary and Secondary Education Act have been used by the state, analyze whether such use is the most effective means of achieving the purposes for which the funds have been appropriated, and recommend alternative methods of using such funds as may be necessary.

V. Solicit information and expertise from the commissioners of the departments of education and health and human services relative to any issue within the scope of the committee's duties.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

## 5 Report.

I. On or before September 1, 2002, the commissioner of the department of education shall submit a report to the chairperson of the study committee which shall include recommendations for proposed legislation necessary for revising existing statutory and administrative provisions relating to legal residency of homeless children as set forth in section 3, paragraphs I-II of this act. The commissioner of the department of education shall consult with the commissioner of the department of health and human services regarding any issue relevant to the scope of this legislation for which the commissioner of the department of health and human services has primary authority or jurisdiction.

II. The committee shall report its findings and any recommendations for proposed legislation, and shall consider the contents of the report submitted by the commissioner of the department of education, and shall submit its report to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 New Subparagraph; Pupils; Change of School or Assignment. Amend RSA 193:3, III by inserting after subparagraph (g) the following new subparagraph:

(h) Notwithstanding RSA 21-N:11, III, for the purposes of this paragraph, the decision of the superintendent shall be final.

7 Legal Residence Required; Pendency of Residency Dispute. Amend RSA 193:12, VI to read as follows:

VI. The superintendent shall decide residency issues under this section. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final. No school district shall deny a pupil attendance or implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil's ~~current~~ school of origin during the pendency of a determination of residency *and shall be counted in the average daily membership in residence in the district of*

*residence. In this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled.* Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes a committee to study existing statutory issues relating to the legal residency of homeless children for the purposes of primary and secondary public education and to study existing statutory requirements and relevant departmental rules regarding legal residency for the purpose of determining liability for the education of children placed in certain child care agencies, health care facilities, or state institutions.

II. Provides that the superintendent's decision on a pupil's change of school or assignment shall be final.

III. Provides a clarification of the procedure for determining legal residency.

**SB 354**, authorizing foster parents to act as surrogate parents for educationally disabled children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: This bill permits foster parents to make education decisions on behalf of educationally-disabled foster children in their home for the duration of their placement. In order to make sure that the decisions are in the child's best interests, the bill requires advocacy training and approval by both the Department of Education and Health and Human Services for those foster parents who choose to exercise this responsibility. Vote 15-0.

### Amendment (3195h)

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing foster parents to act as educational advocates for foster children with educational disabilities.

Amend the bill by replacing section 2 with the following:

2 New Section; Special Education; Foster Parent Representation of Foster Children with Educational Disabilities. Amend RSA 186-C by inserting after section 14 the following new section:

186-C:14-a Foster Parent Representation of Foster Children with Educational Disabilities.

I. A foster parent or parents may be appointed by the commissioner of the department of education, upon recommendation of the commissioner of the department of health and human services or designee, or by the director of a child placing agency licensed under RSA 170-E that has placed the child with the foster parent or parents, to make educational decisions on behalf of a foster child for the duration of the foster placement, provided that:

(a) The natural parents' parental rights have been terminated by a court of law or by death; and

(b) Each such foster parent:

(1) Is in an ongoing, long-term parental relationship with the child, as determined by the department of health and human services or the child placing agency;

(2) Is willing to make the educational decisions required of parents under state and

federal law;

(3) Has no interest that would conflict with the interests of the child; and

(4) Has demonstrated to the satisfaction of the commissioner of the department of education that he or she has the knowledge and skills to represent adequately the child in educational decision-making.

II. A foster parent appointment pursuant to this section shall supersede the appointment of a surrogate parent under RSA 186-C:14.

III. A foster parent acting as a parent shall have the same right of access as the natural parents or guardians to all records concerning the child. These records shall include, but are not limited to, educational, medical, psychological, and welfare records.

IV. No foster parent appointed to act in the capacity of a parent under this section shall be liable to the child entrusted to the foster parent or the parents or guardian of such child for any civil damages which result from acts or omissions of such foster parent which may arise out of ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful, or wanton negligence.

V. The state board of education shall adopt rules, pursuant to RSA 541-A, necessary for the implementation of this section.

### AMENDED ANALYSIS

This bill authorizes foster parents to act as educational advocates for foster children with educational disabilities in the educational decision-making process and sets forth circumstances under which such representation may occur.

#### **SB 444, relative to parents in the classroom. INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The Committee shares in the belief of parental involvement in their children's education, however this legislation would not have provided any additional involvement as it did not require any action from any party. The bill was not even permissive, as schools already have the power to establish policies on parents in the classroom. Vote 15-3.

#### **SB 324, urging a study of the operating efficiency of state government. REFER FOR INTERIM STUDY**

Rep. Nelson S. Allan for Executive Departments and Administration: While some may feel the phrase "efficient government" is an oxymoron, this well-intentioned bill deserves further study. Incorporation of proven and existing processes such as those employed by the performance audit and oversight committee and the legislative budget assistant's office need to be looked into. Similarities with certain aspects of the HB 1378 "sunset review process" also suggest the need for a detailed and careful review. After four subcommittee review meetings, the recommendation of refer to interim study was unanimously forwarded to the full committee and unanimously approved. Vote 11-0.

#### **SB 330, relative to the administration of a patient's own prescription by emergency medical care providers. INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill originated to allow basic emergency management technicians (EMT's) to administer epinephrine to a patient when responding to an emergency situation. Testimony revealed that the EMT Medical Control Board has rulemaking authority to establish rules to allow EMT's to do this. At the last meeting of the EMT Medical Control Board met with the food allergy group (alliance) and agreed to establish rules to allow EMT's (basic) to so administer epinephrine in an emergency situation. Therefore, this bill was considered unnecessary. Vote 11-0.

#### **SB 358, relative to the authority to assess administrative fines to ophthalmic dispensers. OUGHT TO PASS WITH AMENDMENT**

Rep. Mary L. Andosca for Executive Departments and Administration: The committee made only one change to this bill. The amendment changes the administrative fine from \$2,000 to \$250.00. It was recognized that this is not a licensing issue but a registration issue and that the lesser amount is in keeping with this type of violation. Vote 14-0.

### Amendment (3213h)

Amend the bill by replacing section 1 with the following:

1 New Section; Ophthalmic Dispensing; Assessment of Fines for Failure to Register or Reregister. Amend RSA 327-A by inserting after section 16 the following new section:

327-A:17 Administrative Fines. The commissioner after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine of \$250 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

#### **SB 381, relative to the employee benefits of employees of the Pease Development authority. OUGHT TO PASS**

Rep. Michael O'Neil for Executive Departments and Administration: This bill removes the requirement that eligible employees of the Pease Development Authority must elect to participate in employee benefits programs, including the state retirement system, within 30 days of starting employment. The vast majority of state employees who have the option of joining the



retirement system may join at any time. Currently, a very small number of PDA employees are not members of the retirement system. This bill levels the playing field and allows these employees to become members of the system. It does not address their ability to "buy back" previous years of service. It is the intent of the legislature that further statutory changes will be required if any of these employees decide that they would like to purchase credit for prior service at a later date. Vote 11-0.

**SB 412, relative to the licensure of dietitians. OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill makes two minor housekeeping changes to the law governing the licensure of dietitians that surfaced as the rules are currently being drafted. The first change allows for the necessary education training to come from a college or university if the program is board approved rather than just all college programs based in the United States. The second change establishes a grandfathering clause for proof of some credentials if the applying dietitian was a nationally registered dietitian by the Commission of Dietetic Registration prior to the enactment of the 1999 law. Both changes correct issues impacting less than 10 existing registered dietitians who are converting to licensure. Vote 14-0.

**Amendment (3034h)**

Amend the bill by replacing section 2 with the following:

2 Licensed Dietitians; Requirements for Licensure. Amend RSA 326-H:12, I to read as follows:

I. Hold a baccalaureate or higher degree from a [~~regionally accredited~~] college or university [~~in the United States and have completed~~] *approved by the board with* a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, public health nutrition, or food systems management;

**SB 439, relative to the membership of the information technology management advisory board. OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, makes representatives of municipal and county government voting members of the information technology management advisory board. It also expands the advisory board to include four legislative members, the chancellor of the university system and the governor or designee as non-voting members. In addition, the amendment repeals the statutory requirement that the director of information technology management serve as the chairman of the advisory board. Vote 14-0.

**Amendment (3119h)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Repeal. RSA 21-I:69, III, relative to the role of the director of information technology management as chairman of the information technology management advisory board, is repealed.

**AMENDED ANALYSIS**

This bill:

I. Makes the representatives of municipal and county government voting members of the information technology management advisory board.

II. Expands the membership of the information technology management advisory board to include legislative members, the chancellor of the university system, and the governor or the governor's designee.

III. Repeals the statutory requirement that the director of information technology management serve as the chairman of the information technology management advisory board.

**SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee felt that the funding of medical benefits costs for disabled group II members of the retirement system for one year was appropriate since the Executive Departments & Administration Committee has opted to study the whole retirement issue this year. Vote 14-0.

**SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that, since reclassification in accordance with the Hay request is outside the authority of the Fiscal Committee, it is appropriate to reflect the Executive Department & Administration Committee's position on this bill. The fiscal impact is only \$900.00 in FY02 and \$1950.00 in each full year thereafter. Vote 14-0.

#### **Amendment (3381h)**

Amend the bill by replacing section 2 with the following:

2 Unclassified Officers; Health and Human Services Position Titles Added. Amend RSA 94:1-a, I(c) by inserting the following in:

##### **I. Grade DD:**

DD	Department of health and human services	systems analyst
DD	Department of health and human services	legal services director

##### **II. Grade EE:**

EE	Department of health and human services	administrator of finance
EE	Department of health and human services	senior systems analyst

##### **III. Grade FF:**

FF	Department of health and human services	director of MMIS
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##### **IV. Grade HH:**

HH	Department of health and human services	director of application management
HH	New Hampshire hospital	associate commissioner and director

**SB 435-FN**, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: The policy in this bill, establishing a mental health court pilot program in the Keene District Court, was supported by the Senate and the House. The Finance Committee concluded that passage would have no negative effect on state revenue or expenditures and therefore supports the passage of this bill. Vote 18-0.

**CACR 33**, relating to procedure for nomination of judges. Providing that the governor shall nominate judges from persons selected by an independent commission whose composition shall be determined by the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: CACR 33 set up a constitutional procedure for the nomination of judges which provided that the governor shall nominate judges from persons selected by an independent commission created by the legislature. While the intent of the sponsor of this bill was laudable, that is to insure that we get the "cream of the crop" in applications for judicial appointments, the majority believed that this was an inappropriate way to achieve that end. First, the composition of the commission as suggested, was totally unworkable. By stipulating that it be comprised of no more than one half of its members in "any one political party", one could never get a majority vote and instead of making the process less political, it would become even more political while also needlessly injecting politics into the constitution. Throughout this session the members of the Judiciary committee have looked at and examined a number of measures that would make the judiciary more open and accountable to the people and also ways of assuring that we attract the best, most-qualified candidates for judicial appointments. In the next session, we expect that we will be looking at even more creative and innovative ideas to achieve these goals. Vote 12-0.

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Cooney for Municipal and County Government: As amended this bill clarifies the current law under the Municipal Finance Act, that only votes cast in the affirmative and negative shall be counted in the calculation of the percentages for passage of town and district bonds and notes. Vote 15-0.

#### **Amendment (3355h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the calculation of majority votes under official ballot voting procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 Towns or District Bonds or Notes; Adoption Amended. Amend RSA 33:8 to read as follows:  
 33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5. ***Only votes in the affirmative or negative shall be included in the calculation of any majority.*** No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies the calculation of majority votes for the issuance of bonds or notes under official ballot voting procedures.

**SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn Fraser for Municipal and County Government: Currently the property tax credit for veterans with service-connected total disability is either \$700 or, after adoption by the local municipality, \$1400. This bill enables the municipalities to increase the \$700 credit to \$2000 or the \$1400 credit to \$2000 by placing the question on the ballot. The filing period for the veterans credit currently is by March 1, which is after the tax rate has been set, which makes the credit eligibility retroactive. Section 3 of the bill enables the municipalities to change the filing date from March 1 to August 1, which is before the tax rate has been set. This change now makes the credit prospective. The committee voted unanimously to adopt this amendment in order for the governing bodies to know the amount of money that will be expended in the exemptions and credits. Vote 13-0.

#### Amendment (3385h)

Amend the title of the bill by replacing it with the following:

AN ACT allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions.

Amend the bill by replacing all after the enacting clause with the following:

1 Property Taxes; Tax Credit for Service-Connected Total Disability; Amount Increased. Amend RSA 72:35, IV(a) to read as follows:

IV.(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of [~~\$1,400~~] **\$2,000** of property taxes on the

person's residential property. *A municipality which had elected under prior law to adopt a \$1,400 credit shall be required to comply with the procedure for adoption in RSA 72:35-a if the municipality wants to adopt the \$2,000 credit amount.*

2 Property Taxes; Tax Credit for Service-Connected Total Disability; Procedure for Adoption; Amount Increased. Amend RSA 72:35-a, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 72:35, IV for an optional tax credit on the taxes due on residential property for a service-connected total disability? The optional disability tax credit is [~~\$1,400~~] **\$2,000**, rather than \$700."

3 Property Taxation; Optional Date for Filing Exemption. Amend RSA 72:33-b to read as follows: 72:33-b Optional Date for Filing for [~~Elderly Exemption~~] **Exemptions**.

I. Any town or city may opt to change the date for filing for [~~an elderly exemption~~] **all of the exemptions, deferrals, or tax credits listed** under RSA 72:33 from March 1 to the August 1 prior to the setting of the tax rate. Any town or city may adopt the August 1 date for filing in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39, and shall be voted upon by ballot. In a city or charter town, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city or charter town may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The governing body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the August 1 prior to the setting of the tax rate as the date for filing for [~~an elderly exemption from~~] **exemptions, deferrals, and tax credits against the property tax?**"

II. If a majority of those voting on the question vote "Yes," the August 1 filing date for [~~the elderly exemption~~] **exemptions, deferrals, or tax credits** shall apply within the town or city on the date set by the governing body.

III. Within 60 days from the initial adoption of the August 1 filing date for [~~the elderly exemption~~] **exemptions, deferrals, or tax credits**, the governing body of the town or city shall send a prominent written notice of the change of filing date to all residential property taxpayers in the town or city.

4 Effective Date. This act shall take effect July 1, 2002.

#### AMENDED ANALYSIS

This bill allows towns and cities to increase the property tax credit for service-connected total disability from \$1400 to \$2000.

This bill also allows towns or cities to adopt an optional filing date for all exemptions, deferrals, or tax credits. Current law allows adopting the optional filing date only for the elderly exemption.

**SB 316**, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions. **OUGHT TO PASS**

Rep. Bernard L. Benn for Public Works and Highways: The proposed committee will study the fiscal relationship between the Pease Development Authority, the state and towns impacted by the development. While some members felt the study would better be accomplished with a "performance audit", the majority felt that the proposed study offers the opportunity for the state to look at and learn from a success story. Vote 9-7.

**SB 380**, establishing a committee to study the space needs of the division of safety services within the department of safety. **INEXPEDIENT TO LEGISLATE**

Rep. Marlene M. DeChane for Public Works and Highways: The majority of the committee feels that most of the needs in the Gilford area on Lake Winnepesaukee will best be addressed during the Capital Budget process, and with input from the Division of Safety Services within the Department of Safety. The Governor has formed the "Smart Growth Committee" to study the needs of all agencies within the state. The subject of this study has already been discussed. Their charge is to prioritize the needs of all state agencies for the good of all. Vote 15-2.

**SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. **OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: This bill simply extends the working life of an existing study committee with a new reporting date of November 2002. Vote 15-1.

**SB 317**, establishing a committee to study boat registration fees and eradication of milfoil and other exotic weeds. **INEXPEDIENT TO LEGISLATE**

Rep. Carol A. Williams for Resources, Recreation and Development: This bill would study potential funding mechanisms for milfoil prevention and research through an additional \$3 boat registration fee. A similar bill, HB 592 has passed the House and is presently in Senate Finance, and would replace SB 317. In light of the eventual passage of HB 592, the sponsors of this bill and the committee now feel SB 317 is unnecessary. Vote 14-0.

**SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as amended, allows the governor to declare a state of emergency for public water supplies. This is in response to the 911 attacks, which has put us on notice of possible additional attacks on our public water supplies. This bill also provides for the interconnection of public water systems, which would aid us in dealing with water emergencies. Rate flexibility is provided in order to encourage expansion of municipal water systems beyond their boundaries. In addition, a study commission is established to investigate the possibility of providing grant in aid money to assist in overcoming the financial barriers to the interconnection of water system. These initiatives will result in more secure water systems and will provide economic benefits and water quality improvements for many of the small water systems in the state. Vote 15-0.

#### Amendment (3338h)

Amend the bill by replacing all after the enacting clause with the following:

AN ACT relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants.

Amend the bill by replacing all after the enacting clause with the following:

1 Petition to Protect Water Supplies; Emergency Conditions. Amend RSA 485:23 to read as follows:

485:23 Petition to Protect Water Supplies.

*I. Whenever any board of water commissioners, local board of health, local health officer or 10 or more citizens of any town or city have reason to believe that a public water or ice supply is being contaminated or is in danger of contamination, and that the local regulations are not sufficient or effective to prevent such pollution, they may petition the department to investigate the case, and to adopt rules under RSA 541-A as the department may deem necessary for the protection of the said supply against any pollution that in its judgment would endanger the public health. Citizens petitioning under this section shall designate a signatory of the petition as the person to whom the department shall send its response.*

*II. Whenever any board of water commissioners, local board of health, or other owner of a public water supply has reason to believe that a public water supply is in danger of being contaminated or is otherwise threatened and that an emergency condition exists such that a petition pursuant to paragraph I to the department and the adoption of rules would not adequately protect the water supply, the board or owner may petition the governor to declare a state of emergency for the public water supply. At the request of the governor, the department shall consult with the owner of the water supply and make a recommendation as to emergency protections that may be necessary. If the governor declares a state of emergency for a public water supply, those additional protections that the governor deems necessary shall be effective immediately and for the duration of the emergency. The declaration of a state of emergency for a public water supply shall not exceed 6 months. The governor may renew the declaration one time for up to 6 additional months upon further request by the original petitioner. At such time as any of the emergency protections are to become permanent, the department shall initiate rulemaking*

*in accordance with RSA 485:24. Any protections in the governor's declaration shall be enforced in the same manner as rules adopted pursuant to RSA 485:24 or RSA 485:25 with violations of the protections subject to RSA 485:4 and RSA 485:58.*

2 Investigations; Rules. Amend RSA 485:24, I to read as follows:

I. The department shall respond in writing to a petition filed under RSA [485:23] 485:23, I, after due investigation, but not later than 30 days after receipt of the petition, informing the petitioners of the department's intended action. In response to a petition, or upon its own motion, the department shall adopt such rules under RSA 541-A as it may deem best to protect the water or ice supply against any dangerous contamination. If requested by the department, the local board of water commissioners, the local board of health, or the local health officer, shall enforce such rules in cooperation with the department.

3 Power to Require Improvements; Citizen Complaint Procedure. Amend RSA 485:4 to read as follows:

485:4 Power to Require Improvements.

I. The department is empowered to investigate the sanitary conditions and methods pertaining to the source, treatment, and distribution of all public water supplies for domestic use, and to require the application of any treatment or improvement in conditions and methods as it may deem necessary to insure fitness and safety and adequate protection of the public health. If the department determines that improvements are necessary, the municipality, corporation, or person shall be so notified in writing and the requirements so ordered shall be effected pursuant to RSA 38:25 within a reasonable time to be fixed by the department. Appeals of actions of the department may be made as provided in RSA 485:59. The department may set intermediate goals and time frames to assist municipalities, corporations, or persons to abide by an order of the department under this [section] paragraph.

II. *Upon complaint of not less than 10 customers of an existing public water system or not less than 10 residents not currently served by a public water supply, the department shall make an investigation of conditions regarding water quality or quantity problems described in the complaint. If, as a result of any such investigation, the department concludes that a significant public health or safety problem exists due to water supply quality or quantity, it shall perform a preliminary analysis of alternatives which address the problem. The department may request additional information from the complainants and nearby public water supply system owners, such as data on water supply quality and quantity, well characteristics, and water distribution system characteristics, as is necessary to perform its investigation and analysis. If the department determines that an extension of water service from an existing public water supply system to the area of impaired water quality or quantity is the most feasible and cost effective alternative, that the extension is consistent with municipal master planning, local water system policies and rules, RSA 9-B, and RSA 162-C:2, V, and that the existing public water system has adequate water supply and system capacity to serve the problem area, the municipality, corporation, or person who owns the public water system shall be ordered to allow connection to its water distribution system from the identified area, regardless of existing municipal or public water system service area boundaries. The connection so ordered shall be effected pursuant to RSA 38:25 within a reasonable time to be fixed by the department and may contain limitations on water system connections unrelated to the original petition in order to limit unintended land use impacts. Appeals of actions of the department may be made as provided in RSA 485:59. The department may set intermediate goals and time frames to assist municipalities, corporations, or persons to abide by an order of the department under this paragraph. The provisions of this paragraph or of any order issued under this paragraph shall not delegate any costs associated with a connection to the person receiving the order from the department.*

4 Public Utilities; Municipal Corporations; Sewage Disposal. Amend RSA 362:4, III to read as follows:

III. A municipal corporation furnishing [water or] sewage disposal services shall not be considered a public utility under this title:

(a) If [serving] it serves customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and [serving] serves those customers a [quantity and quality of water or a] level of sewage disposal service equal to that served to customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(b) If ~~[supplying bulk water or]~~ *it supplies* bulk ~~[sewer]~~ *sewage* disposal services pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. ~~[This subparagraph shall not apply to bulk water contracts which were in effect before July 23, 1989, or renewal of said bulk water contracts.]~~

5 New Paragraph; Public Utilities; Municipal Corporations; Water Supply. Amend RSA 362:4 by inserting after paragraph III the following new paragraph:

III-a.(a) A municipal corporation furnishing water services shall not be considered a public utility under this title:

(1) If it serves new customers outside its municipal boundaries, charging such customers a rate no higher than 15 percent above that charged to its municipal customers, including current per-household debt service costs for water system improvements, within the municipality, and serves those customers a quantity and quality of water or a level of water service equal to that served to customers within the municipality. Nothing in this paragraph shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(2) If it supplies bulk water pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. This subparagraph shall not apply to bulk water contracts which were in effect before July 23, 1989, or to the renewal of said bulk water contracts.

(b) The commission may exempt a municipal corporation from any and all provisions of this title except the franchise application requirements of RSA 374, and may authorize a municipal corporation to charge new and existing customers outside its municipal boundaries a rate higher than 15 percent above that charged to its municipal customers, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good.

(c) A municipal corporation's authority to charge higher rates for new customers outside of its municipal boundaries shall be applied prospectively to new customers taking water service provided by means of a main extension or an expansion of the municipal corporation's system after the effective date of this paragraph.

(d) A municipal corporation serving customers outside of its municipal boundaries and charging a rate no higher than 15 percent above that charged to its municipal customers prior to July 1, 2002, may also be exempted from regulation as a public utility, except for the franchise application requirements of RSA 374, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good.

6 New Section; Regional Technical Planning and new Source Development; Included in Rates. Amend RSA 378:30 by inserting after section 378:30-c the following new section:

378:30-d Regional Technical Planning and New Source Development; Included in Rates. Notwithstanding the provisions of RSA 378:30-a, the commission may include the cost or value of capital improvements or programs in the rates of a utility when the capital improvement or program is directly related to technical planning of regional water supply development or is directly related to development of new water supply sources.

7 Committee Established. There is established a committee to study the formation of regional water systems and the eligibility of such systems for state construction grant money under RSA 486-A.

8 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

9 Duties. The committee shall study the formation of regional water systems and the eligibility of such systems for state construction grant money under RSA 486-A.

10 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

11 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

12 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

I. Allows the governor, upon petition of a board of water commissioners or water supply owner, to declare a state of emergency for public water supplies. During the state of emergency, the governor may order emergency protections for the water supply. The emergency protections may become permanent.

II. Creates a mechanism for the department to consider citizen complaints concerning public water systems.

III. Allows municipal water systems to charge rate premiums for customers outside of its municipal boundaries.

IV. Allows the public utilities commission to include certain costs related to the development of regional water supplies and new water supply sources in the rates of a utility.

V. Establishes a committee to study the formation of regional water systems and the eligibility of such systems for state construction aid.

**SB 451, relative to the shoreland protection act. OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill clarifies language, includes additional definitions, to the Shoreland Protection Act and requires photographic evidence of the woodland buffer for certain permitted projects within the protected shoreland. This bill will make the Shoreland Protection Act more easily understood and enforced to enhance protection of New Hampshire's public waters. Vote 13-1.

**Amendment (3328h)**

Amend RSA 483-B:9, V(a)(2) as inserted by section 9 of the bill by replacing it with the following:

(2) Within the natural woodland buffer of the protected shoreland under conditions defined in RSA 483-B:9, V, all of the following prohibitions and limitations shall apply:

(A) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.

(B) Any person applying to the department for a septic system construction approval or alteration of terrain permit pursuant to RSA 485-A, or an excavating and dredging permit pursuant to RSA 482-A, within the protected shoreland shall include photographic documentation of the natural woodland buffer.

(C) Structures, as defined in RSA 483-B:4, XXII, within the natural woodland buffer shall be afforded an opening for building construction that shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A).

(D) Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A).

(E) Stumps and their root systems, which are located within 50 feet of the reference line, shall be left intact in the ground, unless removal is specifically approved by the department under RSA 482-A.

(F) Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

(G) Planting efforts that are beneficial to wildlife are encouraged.

Amend the bill by replacing section 11 with the following:

11 New Paragraphs; Rulemaking; Woodland Buffer, Terrain Alterations, and Definitions Added. Amend RSA 483-B:17 by inserting after paragraph VI the following new paragraphs:

VII. Criteria governing maintaining a healthy, well-distributed stand of trees, saplings, shrubs and ground covers.

VIII. A methodology for identifying unsafe trees.

IX. Defining the opening for building construction.

X. Definitions of terms not defined in this chapter.

**SB 442, establishing a committee to study revising the statutes relative to the state militia and the state guard. OUGHT TO PASS WITH AMENDMENT**



Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: This bill is the first part of recodifying all of the National Guard Statutes. This piece will allow the National Guard to charge rental fees so they can do a better job in the upkeep of armories. It also exempts them from the requirements of RSA 541-A. The bill also allows commissioned and warrant officers to act as notaries and administer oaths for the purpose of the administration of military justice and administration. It also clarifies the Adjutant General's authority to defend, guard, protect and maintain National Guard facilities. Vote 17-0.

### Amendment (3135h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study revising the statutes relative to the state militia and the state guard, making certain technical changes to the militia statutes, and creating 2 funds.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study revising the statutes relative to the state militia and the state guard.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the state-federal relations and veterans affairs committee of the house of representatives, appointed by the speaker of the house.

II. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study issues involved in revising the statutes relative to the state militia and the state guard, which are currently RSA 110-B and RSA 111.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

6 Rulemaking and Regulations. Amend RSA 110-B:8-a to read as follows:

110-B:8-a Rulemaking.

[F]. All [~~special~~] military *and departmental* regulations adopted under this chapter shall be exempt from the requirements of RSA 541-A, [~~except as indicated in paragraph H~~].

[~~II. The adjutant general, with the approval of the governor and council, shall adopt rules under RSA 541-A relative to:~~

(a) ~~The use of armories for each of the groups identified in RSA 110-B:29-31;~~

(b) ~~Rental fees for the use of armories in accordance with RSA 110-B:32; and~~

(c) ~~The issuance of obsolete military property under RSA 110-B:33.]~~

7 National Guard Facilities; Use of Force. RSA 110-B:28 is repealed and reenacted to read as follows:

110-B:28 National Guard Facilities.

I. All armories, arsenals, camps, ranges, bases, airports, and other facilities owned, leased, licensed, or maintained by the state or by the United States for the use of the New Hampshire national guard and all activities conducted therein shall be under the general charge, control of, and regulated by the adjutant general and no political subdivision of the state shall interfere with or regulate such activities. The adjutant general may use the means necessary and required, including the arming of trained personnel, to protect, guard, secure and defend and maintain all such facilities. Use of force by any member of the New Hampshire national guard in duty status, shall be in accordance with the applicable Department of Defense, United States Army, and United States Air Force directives and instructions on rules of engagement and use of force. If mission specific rules of engagement are issued, the specific rules shall be followed, to the degree they deviate from the existing rules, for as long as military members are carrying out duties related to the mission for which the specific rules were issued.

II. Unless the same shall be furnished by the United States, the state shall provide adequate armory accommodations, bases, camps, target ranges, and other facilities and shall maintain the same for units of the army national guard and of the air national guard allotted to the state under the laws of the United States, accepted by the governor and organized under the authority of this chapter.

III. The adjutant general may designate an officer to be in direct charge of each armory, arsenal, camp, base, or other facility.

IV. The adjutant general may cooperate with and enter into agreements with the federal government, or any agency thereof, as he or she deems desirable to secure the participation of the United States government, through the allotment of federal funds, in the costs of constructing, enlarging, or altering armories or other military facilities.

V. Any military facilities which are the responsibility of the state shall be accepted by the adjutant general, after the approval of the governor and council in accordance with the provisions of RSA 4:29.

VI. For purposes of morale and unit cohesiveness and to assist in esprit de corps, units may have a social club composed of members located within national guard facilities. Any such club shall be subject to regulations issued by the adjutant general, shall be under the control of the assistant adjutant general for the air or army national guard, and shall be licensed and subject to inspection by the New Hampshire state liquor commission.

8 Use of Armories or Other National Guard Facilities. RSA 110-b:29 is repealed and reenacted to read as follows:

110-B:29 Use of Armories or Other National Guard Facilities.

I. All New Hampshire national guard facilities shall be primarily for the military duty, instruction, and training of the national and state guard and for the storage and maintenance of military property. Other use of national guard facilities may be authorized by the adjutant general and shall be governed by rules and regulations promulgated under this section.

II. Rental fees for the use of national guard facilities shall be fixed by the adjutant general and shall be declared as revenue and paid to the adjutant general subject to the provisions of RSA 110-B:61.

9 New Section; New Hampshire National Guard Training Center Funds. Amend RSA 110-B by inserting after section 32 the following new section:

110-B:32-a New Hampshire National Guard Training Center Funds.

I. For the purpose of supporting morale and maintaining training abilities, 2 funds are created. Both funds shall be nonlapsing interest bearing funds.

II. One fund shall be known as the chargeable transient quarters (QTC) and billeting fund. Revenue for this fund shall be non-appropriated funds obtained from the proceeds of room service charges at the army national guard state training center. These funds shall be used for non-appropriated fund services at the state training center. Funds will be released for their stated purpose at the discretion of the adjutant general.

III. The second fund shall be known as the army national guard state training center program management fund, into which operating costs billed to and collected from non-army national guard users shall be deposited. This fund shall be used to supplement federal funds provided to manage and operate the army national guard state training center. Funds may be released for their stated purpose at the discretion of the adjutant general.

10 Administration of Oaths and Notarial Acts. RSA 110-B:64 is repealed and reenacted to read as follows:

110-B:64 Administration of Oaths and Notarial Acts.

I. All commissioned and warrant officers of the New Hampshire national guard and state guard as well as other personnel authorized to administer oaths under the laws of this state shall have the power to administer oaths for the purpose of the administration of military justice and for other purposes of military administration. All commissioned and warrant officers of the armed forces of the United States, in addition to those named above may administer enlistment oaths to those enlisting or re-enlisting in the New Hampshire national guard.

II. All judge advocates and paralegals serving in the militia shall, by virtue of their office and service, have the general powers of a notary public as described in RSA 455 in the performance of all notarial acts to be executed by any member of the militia or United States armed forces and other persons eligible for legal assistance services by law or regulation. No fee may be paid to or

received by any person for the performance of a notarial act authorized in this section. The signature of any such person acting as a notary, together with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act. Any notarizations or acknowledgments accomplished under the authority of this chapter shall generally follow the form below but are not required to be under official seal:

I, (name of notary public), certify that the foregoing instrument was subscribed and (sworn)(affirmed) before me this (day of the month) day of (month), (year) by (name of person making statement), (Armed Forces service number/SSN), and who is known to me to be (a member of the New Hampshire national guard) (the spouse of a national guard member).

11 Trespassers and Disturbers; Camp Regulations. RSA 110-B-68 is repealed and reenacted to read as follows:

110-B:68 Trespassers and Disturbers; Camp Regulations.

I. The commanding officer of any armory, arsenal, camp, range, base or other facility of the New Hampshire national guard, or other place where military duties are being performed shall have the authority to arrest and hold under arrest during the continuance of the performance of such military duty any one who trespasses, or in any way interrupts or interferes with the performance of the duties of members of the national guard or the armed forces of the United States. This arrest authority shall extend to anyone who prevents or attempts to prevent the passage of troops of the New Hampshire national guard or of the armed forces of the United States in the performance of their military duties.

II. The adjutant general or commanding officer of any armory, arsenal, camp, range, base or other facility of the New Hampshire national guard, or any place where any unit is performing military duty, has the authority to limit access and activities in that place. This includes the authority to take action necessary to protect, guard, secure, and defend the armory, arsenal, camp, range, base, or other facility in accordance with RSA 110-B:28.

12 Repeal. The following are repealed:

I. RSA 110-B:29, relative to use of armories by military units.

II. RSA 110-B:30, relative to use of armories by veterans.

III. RSA 110-B:31, relative to use of armories for public meetings.

IV. RSA 110-B:32, relative to rent for use of armory.

13 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study revising the statutes relative to the state militia and the state guard.

The bill also makes certain technical corrections to the state militia laws to conform to federal law and current practice.

The bill establishes 2 national guard training center funds.

**SCR 3**, expressing the fundamental importance of public health to the people of New Hampshire. **OUGHT TO PASS**

Rep. Carol T. Burney for State-Federal Relations and Veterans Affairs: This senate concurrent resolution expresses the fundamental importance of public health to the people of New Hampshire. The general court senses that now is the time to strengthen our public health system and to ensure that New Hampshire is adequately prepared to respond to all potential threats to the public's health. Vote 12-0.

**SB 301**, relative to an innovation initiative within the division of economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: As received by Ways and Means, this bill would have relieved cable companies which have added two-way communications services from the obligation to include the state Communication Services Tax on that portion of the total bill. Because the tax is on that two-way communication capability, and not on internet access, the committee amendment removes the relevant sections. The remainder of the bill, relative to the innovation initiative and the e-commerce advisory commission, is unchanged. The committee amendment preserves \$1.6 million which would otherwise be lost to the general fund. Vote 15-0.

**Amendment (3377h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to an innovation initiative within the division of economic development and the creation of the New Hampshire e-commerce advisory commission.

Amend the bill by deleting sections 3-5 and renumbering the original sections 6-7 to read as 3-4, respectively.

**AMENDED ANALYSIS**

This bill directs the New Hampshire council on applied technology and innovation to collaborate with the division of economic development in creating the division's technology-based innovation initiative.

The bill also establishes an e-commerce advisory commission.

**SB 363**, establishing a committee to study economic distortions associated with property taxation.

**INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: Although the committee feels that more study on the economic distortions associated with property taxes may be warranted, this bill provides no funds for hiring expert advice or for purchasing any additional data that might be helpful. The committee also feels that such a committee would not have sufficient time to fully study the issue by the given reporting date. Vote 15-0.

**REGULAR CALENDAR**

**SB 415**, relative to the severing of joint tenancies in property by divorce. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire B. McHugh for Children and Family Law: This bill responds to the Supreme Court's request in *Croteau v. Croteau* that the Legislature should address the holding of title in residential real property after divorce or annulment. Although dispositions in divorce now address the division of property, they do not necessarily review the manner in which title to residential property is held by the parties. There is an increasing trend for parties to file pro se, and they may not have a clear understanding of the legal consequences of holding title either as joint tenancy with rights of survivorship or tenants in common. This bill addresses the title issue and is in keeping with many other states. Vote 8-7.

**Amendment (3309h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the holding of title in residential real property after divorce.

Amend RSA 458:16-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) The court shall review the manner in which title to residential real property is held by the parties and incorporate its findings in the decree of divorce or nullity.

(b) The court shall ensure that any agreement between the parties shall be the result of a clear understanding by each party of the legal consequences of the type of title ownership agreed upon. Disposition of the title or titles to residential real property resulting from a decree of divorce or nullity shall be recorded at the registry of deeds in the county where such property is located.

**AMENDED ANALYSIS**

This bill requires the court to review the manner in which residential real property is held after a divorce and incorporate its findings into the decree of divorce or nullity.

Adopted.

Report adopted and ordered to third reading.

**SB 426**, relative to the use of force by persons entrusted with the care of minors in child care settings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for the Majority of Children and Family Law: This bill amends RSA 627:6 II to define and limit the use of physical force by a teacher or other person entrusted with the care or supervision of minors in child care programs licensed or exempt from licensure under RSA 170-E. It further states that force shall be limited to the minimum physical contact necessary to protect the child or other children present. Vote 14-1.

Rep. David A. Bickford for the Minority Children and Family Law: The bill attempts to define necessary force for those using physical force to discipline children in child care programs. It will not be applied to teachers or persons otherwise entrusted with the care or supervision of a minor for special purposes who are already in the statute. The minority feels criminal charges for physical force should be consistent for all entrusted with the care of children. Majority report adopted and ordered to third reading.

### **SB 34, relative to the process for nonrenewal of teacher contracts. OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: In 1998 Governor Shaheen appointed a non-partisan task force to address teacher tenure reform. The Education Committee and the full House has passed legislation adopting these provisions in 1999, 2000 and twice in 2001. Meaningful teacher tenure reform is among the most widely-supported education reforms. The amended version of this bill reflects the findings of the task force and the votes of the House in every way except the effective date. The amendment and the bill passed by a bi-partisan 11-5 vote. Vote 11-5.

#### **Amendment (3178h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State School Organization; State Board of Education Rulemaking Authority; Rules for Appeals. Amend RSA 186:8 by inserting after paragraph V the following new paragraph:

VI. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

2 School Boards, Teachers; Teacher Renewal; Reference Amended. Amend RSA 189:14-a, II to read as follows:

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in ~~paragraph I(b)~~ **paragraphs I(b), III, and IV of this section.**

3 New Paragraphs; School Boards, Teachers; Teacher Renewal; Nonrenomination Procedure. Amend RSA 189:14-a by inserting after paragraph II the following new paragraphs:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

4 School Boards, Teachers; Review by State Board of Education. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[+5]~~ **30** days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties. ***A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.***

***II. The state board of education shall uphold a decision of a local school board to nonrenew a teacher's contract unless the local school board's decision is clearly erroneous.***

5 Public Employee Labor Relations; Grievance Procedures; Nonrenewal of Teacher Contract not Subject to Binding Arbitration. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ***No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.***

6 Effective Date. This act shall take effect January 1, 2003.

Rep. Henderson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

## YEAS 218 NAYS 119

### YEAS 218

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhurst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargas, Carolyn	Gleneck, David	Golding, William
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Lessard, Rudy	Martel, Andre

McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Spiess, Paul  
Wheeler, Robert

Melcher, Harold  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Tate, Joan

Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Lockwood, Priscilla  
Swindlehurst, John

Brewster, Richard  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Colcord, J D  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

Cummings, Raymond  
Hess, David  
Leber, William  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Boynton, James  
Case, Margaret  
Corbin, Corey  
Downing, Michael  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Kelley, William  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Whittier, John

Bowles, Raimond  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Langley, Jane  
McGuire, Robert  
O'Neil, Michael  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Reid, Christopher  
Woods, Phyllis

Brown, Julie  
Kaen, Naida  
Snyder, Clair

Cossette, Larry  
McCarthy, Gerald  
Tsiros, William

Dunlap, Patricia  
Musler, George  
Twombly, James

### SULLIVAN

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

Phinizy, James

### NAYS 119

### BELKNAP

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Allen, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Pratt, Irene  
Weed, Charles

Espiefs, Peter  
Pratt, John  
Zerba, Roger

Meader, David  
Richardson, Barbara

### COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	McDonough-Wallace, Alice
Movsesian, Lori	Murphy, Robert	Palangas, Eric	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	L'Heureux, Stephen
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Giordano, Ronald
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Goodwin, Earle	Heon, Richard	Hughes, Christopher
Knowles, William	Lent, Donald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra		

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The House Education Committee by a bi-partisan vote of 16-2 supported: 1) creation of a study committee to study alternative public school programs for at-risk students; 2) the establishment of an alternative school building formula to target building aid; 3) responded to a LBA audit of existing school building aid programs by incorporating their recommendations for the creation of maximum cost, square footage, and site size standards for the construction of new school buildings; and 4) authorized school building aid to be used for the leasing of space to house vocational technical educational programs. Vote 16-2.

**Amendment (3369h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study alternative regional public school programs for children who are at-risk, relative to the formula for distributing school building aid grants, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

Amend the bill by replacing all after section 5 with the following:



6 Purpose; Intent. An alternative school building aid program shall be offered to any duly organized school district, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any schools engaged in a joint maintenance agreement under RSA 194:21 as an alternative to the method of obtaining school building aid available under RSA 198:15-a through 198:15-h.

7 School Money; School Building Aid Annual Grant Amended. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, the ~~[state board]~~ **department** of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision *or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects.*

8 New Subdivision; Alternative School Building Aid. Amend RSA 198 by inserting after section 15-t the following new subdivision:

Alternative School Building Aid

198:15-u Definitions. As used in this subdivision:

I. "Median family income" means that income for each municipality using the most recent data available from the United States Bureau of the Census. For the purposes of this subdivision, median family income shall be recalculated at each decennial census.

II. "Equalized valuation per pupil" means the average equalized valuation within the school district over the most recent 5 years divided by the current number of pupils within the school district expressed as an average from the most recent 5 years of available data collected by the department of education.

198:15-v Alternative School Building Aid Grants.

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be determined as follows:

(a) Determine each municipality's equalized valuation per pupil by dividing the municipality's equalized valuation by the average daily membership in residence within each municipality. Assign each municipality a rank beginning with the municipality having the lowest equalized valuation per pupil ranked as number one, and continuing therefrom.

(b) Determine each municipality's median family income, and assign each municipality a rank beginning with the municipality having the lowest median family income ranked as number one and continuing therefrom.

(c) Add the rankings assigned in subparagraphs I(a) and I(b) and divide the sum by 2 to yield the building aid factor.

II. The amount of the annual grant in this subdivision shall be a sum equal to a percentage of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education according to the following table:

Building Aid Factor	Single District	Preexisting District in a Cooperative School District, Area School, or Joint Maintenance Agreement
0-59	60 percent	60 percent
60-69	55 percent	60 percent
70-89	45 percent	55 percent
90-114	40 percent	50 percent
115 or greater	30 percent	40 percent

III. A cooperative school district or area school's grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipi-

pality within the cooperative school district and multiplying this percentage by each municipality's percentage of annual building aid eligibility under paragraph II of this section. The resulting product shall be multiplied by the projected cost of the building project. The sum of the individual municipality's entitlement of annual building aid shall be the annual grant for the cooperative school district.

198:15-w Alternative School Building Aid Grants; Procedures. The provisions of RSA 198:15-c through 198:15-h shall apply to any grant made under this subdivision.

9 Applicability. The provisions of sections 6-8 of this act shall apply to the total of approved costs of construction of school buildings for which loans are approved as of July 1, 2003 and thereafter.

10 School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, IV(c) to read as follows:

(c) Planning, construction, or both, of additions to existing buildings [~~to provide additional pupil capacity~~].

11 New Paragraph; School Building Aid; Cost and Size Standards. Amend RSA 198:15-b by inserting after paragraph VI the following new paragraph:

VII. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w:

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings or school administrative unit facilities, less site acquisition costs, qualifying for school building aid. These standards shall take into account the type, size and location of the school or school administrative unit facility and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot. If the construction costs of the project divided by the total square feet of new construction exceed the applicable per square foot cost index, then the amount of school building aid shall be limited to the index multiplied by the total square feet of new construction in the project.

(b) The department of education shall compute and publish annually a maximum cost per square foot. Maximum cost per square foot shall be calculated by averaging the final new construction costs, less site costs, divided by the planned enrollment for each school type and for school administrative unit facilities for all school projects first qualifying for school building aid in the prior 3 years for which complete data is available.

(c) Maximum size standards for new schools shall be as follows:

(1) Maximum gross square footage per pupil:

Elementary school	120
Middle or junior high school	140
Senior high school	160

(2) Maximum usable site size for new schools:

Elementary School	20 acres plus 1 acre for each 100 pupils
Middle or junior high school	25 acres plus 1 acre for each 100 pupils
Senior high school	30 acres plus 1 acre for each 100 pupils

(d) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project, shall not exceed the cost that would result if the project conformed to the maximum cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(e) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

12 School Building Aid; High School Vocational Technical Education Programs. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, *and to meet the costs of leasing permanent space in a building or buildings which are used*

*for the operation of a high school vocational technical education program* the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision.

13 New Section; School Building Aid; Grants for High School Vocational Technical Education Programs. Amend RSA 198 by inserting after section 15-h the following new section:

198:15-i Annual Grant for Leased Space.

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of leasing permanent space in a building or buildings located outside of the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education, provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district, in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent. Such lease agreements shall be eligible for grants under this section, provided all of the following conditions apply:

(a) A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, which receives grants under this section shall remain eligible to apply for, receive, and expend moneys from other state or federal sources made available for the purpose of purchasing new equipment, materials, or supplies necessary for the operation of the program. Moneys received from such other state or federal sources shall not be used to make permanent upgrades or renovations to the leased space.

(b) A lease agreement for permanent space shall be adopted in the same manner as required by law for the passage of construction bonds in the school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1.

(c) An initial lease agreement for a term of 10 years or less shall be eligible to receive grants under this section. Upon renewal, a lease agreement may remain eligible to receive grants, provided the commissioner of the department of education determines that the lease agreement represents an efficient use of state and local resources.

(d) In any fiscal year where the state pays a pro rata share of school building aid grants, the state shall pay the same pro rata share for leased agreements approved under this section.

II. Lease agreements for the use of portable or modular classroom space shall not be eligible for grants.

III. A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, shall submit details of the lease arrangement, including a copy of the proposed lease agreement, in writing to the state board of education on such forms as the state board may prescribe. Grant applications for leased space shall be submitted before January 1 of each year in order to be eligible for grants in the fiscal year following the year of submittal. The state board of education shall, no later than August 1, 2002, adopt rules pursuant to RSA 541-A, relative to procedures for grant applications for leased space.

14 Effective Date.

I. Sections 6-8 of this act shall take effect as provided in section 9.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes a committee to study alternative regional public school programs for children who are at-risk.

II. Creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

III. Establishes maximum cost and maximum size standards for the purpose of construction or purchase of school buildings or school administrative units.

IV. Authorizes high school vocational technical education programs which enter into a lease agreement for permanent space to receive school building aid grants under certain circumstances. Adopted.

Report adopted.

Referred to Finance.

**SB 395, making certain changes to the laws pertaining to special education. OUGHT TO PASS WITH AMENDMENT**

Rep. John R.M. Alger for Education: The Committee was asked by the Department of Education to pass this bill in order to conform to federal law regarding special education concerns. The Committee obliged with the exception of removing deletion of the phrase "...taking into consideration the cost of that education;" but, leaving in the bill the phrase "...the policy of the state that all children in New Hampshire be provided with equal educational opportunities." Vote 13-5.

**Amendment (3139h)**

Amend RSA 186-C:1 as inserted by section 1 of the bill by replacing it with the following:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. ~~[It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children while taking into consideration the cost of that education when determining appropriateness].~~

Adopted.

Report adopted and ordered to third reading.

**SB 112, relative to election day registration. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The bill is enabling legislation. Cities and towns may use a new voter registration form, which explains what the qualifications are to vote in New Hampshire. The current form allows a person to swear they are not knowingly violating the laws determining qualified voters. If they do not know what the qualifications are, then they are not committing perjury. If we allow a registration form that allows for an explanation of qualifications, then everyone who signs is fully aware of the laws determining qualified voters. Vote 12-6.

Rep. John P. Kacavas for the Minority of Election Law: The minority respects the right to vote as a fundamental right to which we are all equally entitled. SB112 undermines that fundamental right in several ways. First, a fair reading of its language reveals that it will disenfranchise certain voters. For example, if a voter is building a home in "Town A" with the intention of moving there permanently but is living in "Town B" while the home is being built, under the "domicile" language of the bill that voter can vote in neither locality. While no doubt unintended, this is a very real consequence of SB112. Second, the inclusion of the "domicile" language in the bill is premature because the ambiguity of that term has prompted the Election Law Committee to refer the "domicile" issue to a study committee. Until the Election Law Committee itself has settled on a definition of this ambiguous term we should not enact law incorporating ambiguous terminology that only invites court intervention. Third, the bill broadly threatens same-day registrants with the forfeiture of unspecified benefits in other states in exchange for exercising the franchise in New Hampshire. The same-day registrant is then required to execute the form under the pains and penalties of perjury. Given the myriad possibilities for which this bill does not account, such threatening language will only serve to intimidate and discourage same-day registrants from exercising their right to vote. Fourth, local election officials are granted unfettered discretion to require some registrants to complete this affidavit while others will be permitted to register under a different affidavit. Such disparate treatment for similarly situated persons, based solely on the whim of a local election official, violates the equal protection provisions of part 1, Articles 1, 2 and 11 of the New Hampshire Constitution. For these reasons, SB112 is seriously flawed, constitutionally infirm, and vulnerable to court challenge.

**Majority Amendment (3270h)**

Amend RSA 654:7-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) My name is \_\_\_\_\_. I am today registering to vote in the city (town) of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city (town), I must be at least 18 years of age, I must be a United States citizen, and I must be a resident of this city (town). A resident is a person who is not just living in a city (town) temporarily, but one who intends to make the city (town) his or her permanent domicile. This domicile is the voter's residence to which, upon temporary absence, he or she has the intention of returning. This domicile is that place, in which he or she dwells on a continuing basis for a significant portion of each year.

I understand that a person can be a resident of only one state and one city (town) at a time. By voting today, I am acknowledging that I am not a resident of any other state or any other city (town). I understand that if I am a resident of another state or city (town), I may be entitled to vote in elections held within that state or city (town) by absentee ballot.

In declaring myself a resident of New Hampshire, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.

In declaring myself a New Hampshire resident, I realize that I may be forfeiting benefits or rights, including the right to vote, in another state.

If I have any questions as to whether I am entitled to vote in this city (town), I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under penalty of perjury, that I am qualified to vote in the above-stated city (town) on this day, and I have not voted and will not vote at any other polling place this election.

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Date

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Signature

On a division vote, 229 members having voted in the affirmative and 112 members in the negative, the majority amendment was adopted.

Reps. Rollo spoke against.

Rep. Kacavas spoke against and yielded to questions.

Rep. Arndt spoke in favor.

Rep. Clegg spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

## YEAS 223 NAYS 127

### YEAS 223

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Neddeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	Wendelboe, Fran

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gitman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson  
 Batula, Peter  
 Bragdon, Peter  
 Carlson, Donald  
 Clegg, Robert Jr  
 Drisko, Richard  
 Fields, Dennis  
 Gargas, Carolyn  
 Goulet, Maurice  
 Hall, Charles  
 Jean, Loren  
 LaFlamme, Paul  
 Martel, Andre  
 Messier, Irene  
 Pappas, Marc  
 Rowe, Robert  
 Souza, Kathleen  
 Thulander, O Alan

Alukonis, David  
 Bergeron, Jean-Guy  
 Brundige, Robert  
 Chabot, Robert  
 Coughlin, Pamela  
 Dyer, Merton  
 Fletcher, Richard  
 Gleneck, David  
 Graham, John  
 Herman, Keith  
 Johnson, Lionel  
 LaRose, Richard  
 McHugh, Claire  
 Milligan, Robert  
 Pepino, Leo  
 Salts, Greg  
 Spiess, Paul  
 Vaillancourt, Steve

Artz, Lawrence  
 Bergin, Peter  
 Bruno, Pierre  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Elliott, Larry  
 Ford, Nancy  
 Golding, William  
 Greenberg, Gary  
 Holden, Randolph  
 Kurk, Neal  
 Leach, Edward  
 McRae, Karen  
 Moran, Edward  
 Peterson, Andrew  
 Sargent, Maxwell  
 Tahir, Saghir  
 Wheeler, Robert

Balboni, Michael  
 Bouchard, David  
 Calawa, Leon Jr  
 Christiansen, Lars  
 Dokmo, Cynthia  
 Emerton, Lawrence Sr  
 Furman, Christine  
 Gonzalez, Carlos  
 Guinta, Frank  
 Hopper, Gary  
 L'Heureux, Robert  
 Lessard, Rudy  
 Mercer, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Seibel, Christopher  
 Tate, Joan

**MERRIMACK**

Anderson, Eric  
 Dunne, Christopher  
 Hutchinson, John  
 Leber, William  
 Soltani, Tony

Brewster, Richard  
 Fraser, Leo Jr  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Swindlehurst, John

Colcord, J D  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 MacKay, James  
 Whalley, Michael

Cummings, Raymond  
 Hess, David  
 Langer, Ray  
 Maxfield, Roy  
 Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Chalbeck, Kevin  
 Corbin, Corey  
 Dumaine, Dudley  
 Francoeur, Sheila  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Rogers  
 Langley, Jane  
 McKinney, Betsy  
 Packard, Sherman  
 Quandt, Marshall  
 Ruffner, Walter  
 Stritch, C Donald  
 Whittier, John

Belanger, Ronald  
 Camm, Kevin  
 Clark, Martha Fuller  
 Cox, Russell  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Holland, James Jr  
 Katsakiores, George  
 Langone, John  
 Moore, Benjamin  
 Palermo, Diane  
 Quandt, Matthew  
 Sapareto, Frank  
 Varrell, Thomas

Bishop, Franklin  
 Carson, Sharon  
 Clark, Vivian  
 Dalrymple, Janeen  
 Flanagan, Natalie  
 Gilbert, Karl  
 Hamel, Albert  
 Introne, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Morse, Charles  
 Priestley, Anne  
 Rausch, James  
 Sloan, Stephen  
 Welch, David

Boynnton, James  
 Case, Margaret  
 Cooney, Richard  
 Dearborn, Bruce  
 Flanders, John Sr  
 Giordano, Ronald  
 Henderson, Warren  
 Johnson, Robert  
 Kelley, William  
 Major, Norman  
 O'Neil, Michael  
 Putnam, Ed II  
 Robertson, Carl  
 Stone, Joseph  
 Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
 Dunlap, Patricia  
 Musler, George  
 Woods, Phyllis

Bickford, David  
 Harrington, Michael  
 Reid, Christopher

Brown, Julie  
 Heon, Richard  
 Tsiros, William

Cossette, Larry  
 McCarthy, Gerald  
 Twombly, James

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

**NAYS 127****BELKNAP**

Wood, Jane

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Espiefs, Peter	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul
Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori
Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Coes, Betsy	Downing, Michael
Hutchinson, Karen	Kane, Cecelia	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Hughes, Christopher
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

**MOTION TO SPECIAL ORDER**

Without objection, the Speaker ordered that **SB 336**, relative to disclosure of political contributions and expenditures be made a Special Order for today immediately following lunch recess.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill changes the part of the adequacy formula that targets funds to school districts with a large number of students receiving free or reduced-price lunches.

The current formula has “cliffs” built into it – as a school district’s percentage of these children crosses over the 12% and 24% levels, a major increase/decrease in funding occurs. The bill eliminates the “cliffs” so that funding is proportional to the number of free and reduced-price lunch students. The amendments reduces the cap on the weight given to this targeting, and it provides for funding to begin once a district’s percentage of such students exceeds 85% of the state average. Vote 17-0.

#### **Amendment (3396h)**

Amend RSA 198:38, VII (d) as inserted by section 1 of the bill by replacing it with the following:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality’s elementary average daily membership in residence by the percentage of elementary pupils eligible to receive a free or reduced-price meal in the district of residence, and multiplied by:

(1) If the district percent is less than or equal to the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, zero.

(2) If the district percentage is greater than the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, the lesser of 1.0 or a number equal to 5 times the difference between the district percentage and the state average percentage multiplied by 0.85.

(3) If the elementary average daily membership of the district of residence is less than 10, the percentage of elementary pupils eligible to receive a free or reduced-price meal shall be equal to the percentage eligible in that district in which the majority of the elementary pupils attend.

Adopted.

Report adopted and ordered to third reading.

#### **SB 423-FN-A, relative to fees collected by the department of safety and certificates of title. OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: As described by Ways and Means in House Calendar 29, this bill meets one of the important recommendations of the Governor’s Commission on Domestic Terrorism by adding 5 motor vehicle inspectors for each of the next two fiscal years for needed commercial vehicle enforcement at the borders and during the evenings. The Federal Highway Administration has asked all states to increase the vigilance over the movement of hazardous materials. Truck inspections are currently below desirable levels due to limited resources. The bill increases the title fee by \$5.00 which will raise approximately \$1 million per year for the highway fund, which would provide for approximately \$213,000 in increased highway fund revenue distributed to cities and towns. It also increases the salvage decal fee which would bring an additional \$175,000 to the highway fund and \$175,000 to the general fund. Due to the skyrocketing construction costs, additional funding is needed to complete the Department of Motor Vehicle testing building, which was approved by the Legislature in 1999, to reduce the congestion at the Department’s main building at 10 Hazen Drive and for much needed commercial testing. This bill will allow for the construction to be completed without any additional charge to highway or general funds.

The non-germane Finance Committee amendment has two parts. The first part provides for the inclusion of LBA staff in the confidentiality provisions of DRA statutes to enable LBA to access tax modeling software being developed by and residing at DRA.

The second part of the amendment appropriates the sum of \$675,073, of which \$253,163 shall be a charge against the highway fund and \$421,910 shall be a charge against the general fund, for the biennium ending June 30, 2003, to reimburse cities and towns for the state’s share of the match from FEMA for the ice storm of March 5-6, 2001. Vote 15-3.

#### **Amendment (3324h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to fees collected by the department of safety, certificates of title, and disclosure of information for the development, maintenance, and updating of the tax policy modeling system, and making an appropriation to the governor’s office of emergency management.

Amend the bill by replacing all after section 9 with the following:



10 New Subparagraph; Department of Revenue Administration; Confidentiality; Tax Policy Modeling System. Amend RSA 21-J:14, V(d) by inserting after subparagraph (6) the following new subparagraph:

(7) The legislative budget assistant and the department of administrative services, provided that disclosure of department records, files, returns, or information to the legislative budget assistant and the department of administrative services shall be only for the purposes of, and to the extent necessary for, the development, maintenance, and updating of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23. The legislative budget assistant may disclose such information to any consultant under contract with the fiscal committee of the general court pursuant to 1999, 338:23 for the development, maintenance, or updating of the tax policy modeling system. Disclosure of confidential tax information under this exception shall be limited as follows:

(A) Federal records shall only be disclosed according to federal law, regulations, and any compacts or agreements between the department and the Internal Revenue Service;

(B) Information disclosed pursuant to this subparagraph shall not include records, files, returns, or information disclosed to officers or employees of the department by any other state pursuant to a compact for the exchange of information between the department and any other state unless permitted by such state or compact; and

(C) Information disclosed shall not be further disclosed to persons other than officers or employees of the department of administrative services, of the legislative budget assistant, or of the consultant. Officers or employees of the department of administrative services, the legislative budget assistant, or the consultant having in their custody or control any confidential taxpayer information obtained from the department pursuant to this subparagraph shall be subject to the provisions of RSA 21-J:14.

11 Confidentiality of Department Records; Violations. Amend RSA 21-J:14, VIII to read as follows:

VIII. Violation of this section is a misdemeanor and if the offender is an officer or an employee of the state or an officer or employee of a vendor which has entered into a contractual agreement with the department under RSA 21-J:3, XX, ~~[he]~~ *or has entered into a contractual agreement with the state and is authorized by law to receive information made confidential and privileged by this section, such officer or employee or such vendor* shall in addition be removed from ~~[his]~~ office or dismissed from ~~[his]~~ employment.

12 Appropriation; Emergency Management. The sum of \$675,073, of which \$253,163 shall be a charge against the highway fund, for the biennium ending June 30, 2003, is hereby appropriated to the governor's office of emergency management to provide a state match for federal funds received as a result of damages sustained from the severe storm (EM 3166) of March 5-6, 2001. This appropriation shall be in addition to any other sums appropriated to the governor's office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

13 Effective Date.

I. Sections 1-9 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Increases the fee for number plates from \$2.50 to \$4.00.

II. Establishes a fee for salvage vehicle decals.

III. Increases certain fees for certificates of title.

IV. Makes an appropriation to pay for the hiring of motor vehicle inspectors.

V. Increases the additional funding required for the DMV testing building which may be charged to the inventory fund established by RSA 228:25.

VI. Permits any dealer to become the owner of a vehicle by satisfying the first lien named in the certificate of title.

VII. Adds an exception to the confidentiality of department of revenue administration records for the development, maintenance, and updating of the tax policy modeling system.

VIII. Makes an appropriation to the governor's office of emergency management to match federal funds received as a result of the storm of March 5-6, 2001.

Adopted.

On a division vote, 226 members having voted in the affirmative and 54 in the negative, the report was adopted.

Ordered to third reading.

**SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: This bill results from the recommendations of the Adequate Education and Education Financing Commission. The bill, as amended, does four things: 1. It amends the calculation of transportation costs by deducting revenues received from other school districts, individuals, organizations or federal aid. (This money had been double-counted). 2. It amends the definition of "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence. 3. It revises home-schooled student counts to match the federal definition. 4. It changes the formula for calculating the "base cost" component of an adequate education to one that reflects and is adjusted for inflation as calculated by the Northeast Consumer Price Index (NCPI). Use of the NCPI to adjust the "base cost" component should be familiar, as the House passed that in HB 1259-FN-L. Its use should more accurately reflect the cost of an adequate education and improve budget planning at both state and local levels. The bill, as amended, sunsets this formula in 2009. The Adequacy Commission will evaluate the formula and report to the legislature in 2007.

It is estimated that these changes will increase the cost of an adequate education from \$896 million in FY03 to \$927 million in FY04. Vote 12-5.

Rep. Marjorie K. Smith for the Minority of Finance: While the minority would support much of the bill as amended, we oppose Section 3 that provides that the state will no longer calculate adequacy based on the adequacy formula. Instead, we will use the Consumer Price Index (CPI) to limit future increases in state funding for an adequate education.

Without the language in Section 3, the adequacy formula that the legislature had previously agreed to would have totaled \$965,370,288. Instead, Section 3 results in adequacy funding of about \$927 million. The adequacy grant pays for only a small percentage of the cost of education. Every dollar not provided by state revenue sources increases the burden on local property taxpayers.

The Bureau of Labor Statistics (BLS), which produces the CPI, explains that a CPI index is not a cost of living index. BLS says that "a complete cost of living index would go beyond this to also take into account changes in other governmental or environmental factors that affect consumers' well being. It is very difficult to determine the proper treatment of public goods, such as safety and education." The minority continue to believe that Section 3 is bad public policy that hurts New Hampshire citizens in every city and town.

### **Majority Amendment (3273h)**

Amend the bill by replacing section 3 with the following:

3 School Money; Determination of Per Pupil Adequate Education Grants. RSA 198:40, I is repealed and reenacted to read as follows:

I. For the bienniums beginning July 1, 2003, July 1, 2005, and July 1, 2007, the department of education shall calculate the base cost per pupil by multiplying the base cost per pupil calculated in the immediately preceding biennium by an amount equal to one plus 2 times the average annual rate of inflation taken from the 4 calendar years immediately preceding the calendar year in which the calculation in this subparagraph is made. Inflation shall be measured by the most recent available northeast region consumer price index as published by the Bureau of Labor Statistics, United States Department of Labor.

Amend the bill by replacing all after section 7 with the following:

8 School Money; State Aid for Educational Adequacy; Definitions. Amend RSA 198:38, VI to read as follows:

VI. "[Average] Base cost per pupil of an elementary school pupil' means the amount as determined in accordance with RSA 198:40.

9 School Money; Determination of Per Pupil Adequate Education Cost. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the [average] base cost per pupil [cost of an adequate education] by the statewide weighted average daily membership in residence of pupils and then adding 70 percent of total statewide transportation costs.

10 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, I (a) to read as follows:

(a) Multiply the [average] base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;

11 New Paragraph; Adequate Education and Education Financing Commission; Duties Amended. Amend RSA 198:49 by inserting after paragraph IV the following new paragraph:

IV-a. In addition to the duties set forth in paragraph IV, and notwithstanding the deadlines established in paragraph V, the commission shall review the formula for determining the base cost per pupil required under RSA 198:40, I, and shall report its findings, including any recommendations for proposed legislation, no later than November 1, 2007.

12 Applicability. The provisions of this act shall apply to adequate education grant calculations made for the fiscal year beginning July 1, 2003.

13 Repeal. RSA 198:38, V, relative to the base expenditure per pupil, is repealed.

14 Effective Date. This act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill:

I. Makes changes to the base cost formula for calculating adequate education grants and provides that the base cost per pupil shall be adjusted by the northeast consumer price index.

II. Amends the calculation of transportation costs by deducting revenues received from other school districts, individuals, organizations, or federal aid.

III. Amends the definition of "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence.

IV. Deletes the home education pupil exclusions from the cooperative school district apportionment of expenses laws.

V. Requires that the adequate education and education financing commission shall review the base cost per pupil formula and report its findings no later than November 1, 2007.

Majority amendment adopted.

Rep. Foster inquired as to whether the amended bill was divisible, and asked that Section 3 of the amended bill be divided.

The Speaker ruled that the question was divisible and, without objection, the House would take up Section 3.

The question now being adoption of Section 3.

Rep. Weyler spoke in favor.

Rep. Marjorie Smith spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of Section 3 of the amended bill.

### MOTION TO SPECIAL ORDER

Rep. Burling moved that continuing consideration of *SB 425-FN-L*, revising the formula used to calculate the cost of an adequate education, be made a Special Order for 3:00 p.m. today.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the motion to Special Order.

### YEAS 178 NAYS 174

#### YEAS 178

#### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

#### CARROLL

Bradley, Jeb

Quimby, Lee

#### CHESHIRE

Allen, Peter

Batchelder, Robert

Espiefs, Peter

Fairbanks, Chandler

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Royce, H Charles

Slack, Pamela Russell

Weed, Charles

Zerba, Roger

**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Akins, Ralph

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Williams, Burton

**HILLSBOROUGH**

Allan, Nelson

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Bragdon, Peter

Buckley, Raymond

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Coughlin, Pamela

Craig, James

Dionne, David

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Dyer, Merton

Eaton, Richard

Ford, Nancy

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

L'Heureux, Robert

LaRose, Richard

Lasky, Bette

Leach, Edward

Lynde, Harold

McDonough-Wallace, Alice

Melcher, Harold

Messier, Irene

Movsesian, Lori

Murphy, Robert

Palangas, Eric

Panagopoulos, Nicholas

Pepino, Leo

Peterson, Andrew

Rowe, Robert

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

White, John

Williams, Carol

**MERRIMACK**

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Jacobson, Alf

Langer, Ray

Lockwood, Priscilla

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Soltani, Tony

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Bishop, Franklin

Blanchard, MaryAnn

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

DiFruscia, Anthony

Downing, Michael

Johnson, Robert

Kane, Cecelia

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura

Pitts, Jacqueline

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Robertson, Carl

Sapareto, Frank

Shultis, Elizabeth

Trueman, Raymond

Weatherspoon, Jacquelyne

**STRAFFORD**

Brennan, William

Brown, Julie

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Heon, Richard

Kaen, Naida

Knowles, William

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Proulx, Raymond

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Wall, Janet

Woodill, Rodney

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Franklin, Peter

Harris, Joseph

Harris, Sandra

Leone, Richard

Odell, Bob

Phinizy, James

**NAYS 174****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Stevens, Stanley

Dickinson, Howard  
Sullivan, P Judith

Mock, Henry  
Torresen, Gary

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Liebl, George

Edwards, Dana  
Roberts, William

Emerson, Susan  
Smith, Edwin

**COOS**

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Scanlan, David

Barker, Robert  
Giuda, Robert  
Sova, Charles

Cobb, John  
Marshall, Gene  
Ward, Brien

Dudley, Terri  
Mirski, Paul

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Christiansen, Lars  
Fields, Dennis  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Salts, Greg  
Tahir, Saghir

Artz, Lawrence  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
McRae, Karen  
O'Connell, Timothy  
Sargent, Maxwell  
Tate, Joan

Balboni, Michael  
Brundige, Robert  
Chabot, Robert  
Elliott, Larry  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Seibel, Christopher  
Thulander, O Alan

Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Hager, Elizabeth  
L'Heureux, Stephen  
Swindlehurst, John

Cummings, Raymond  
Hess, David  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Hutchinson, John  
MacKay, James  
Winter, Steven

Fraser, Leo Jr  
Kennedy, Richard  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, Corey  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Moore, Benjamin  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas

Belanger, Ronald  
Camm, Kevin  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Sloan, Stephen  
Welch, David

Bowles, Raimond  
Carson, Sharon  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Stone, Joseph  
Weyler, Kenneth

Boynton, James  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
O'Neil, Michael  
Rausch, James  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
Musler, George  
Woods, Phyllis

Bickford, David  
Reid, Christopher

Cossette, Larry  
Tsiros, William

Harrington, Michael  
Twombly, James

**SULLIVAN**

Jones, Constance  
and the motion to Special Order was adopted.

**REGULAR CALENDAR (CON'T.)****SB 455-FN-A, relative to funding for district and probate court security. OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The Finance Committee recognized the need to modify and supplement security in full-time and part-time district courts as well as probate courts. The volatile nature of many of these cases, such as domestic violence, sexual assault, juvenile matters including CHINS and restraining orders, requires increased security presence to enhance safety of court personnel and the public, especially on non-court days.

The Finance Committee amendment replaces the bill. It appropriates \$600,000 from the general fund effective July 1, 2002. It increases entry fees by \$10.00 (they currently range from \$45 to \$125), except in probate court (only \$5.00 if SB64 passes – \$5 increase in probate court fee to fund mediation in SB64). These fee increases will raise approximately \$450,000 annually. The courts may waive fees for indigence or for other good cause. Vote 14-7.

**Amendment (3425h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to funding for district and probate court security, requiring an increase in court entry fees, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Judicial Branch. The sum of \$600,000 is hereby appropriated to 2001, 130:1.02, 01, 06 class 90 for the fiscal year ending June 30, 2003, for the purpose of district and probate court security. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Increase of Entry Fees. On July 1, 2002, the courts shall increase each entry fee by \$10.

3 Increase of Entry Fees. On July 1, 2002, the courts shall increase each entry fee collected by the probate courts by \$5 and each entry fee collected by other courts by \$10.

4 Contingency. If SB 64-FN-A of the 2002 legislative session becomes law, section 3 of this act shall take effect July 1, 2002 and section 2 of this act shall not take effect. If SB 64-FN-A does not become law, section 2 of this act shall take effect July 1, 2002 and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect July 1, 2002.

**AMENDED ANALYSIS**

This bill makes an appropriation to the judicial branch for district and probate court security and provides for an increase in court entry fees.

Rep. Blanchard spoke against and yielded to questions.

Amendment failed.

Rep. Scanlan offered floor amendment (3547h).

**Floor Amendment (3547h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to funding for district and probate court security.

Amend the bill by replacing all after the enacting clause with the following:

1 Transfer of Funds from Police Standards and Training Council Training Fund and Escrow Fund for Court Facility Improvements to District and Probate Security. Notwithstanding the footnotes to 2001, 130:1.02, 01, 06 and the provisions of RSA 188-F and RSA 490:26-c, the state treasurer shall

make a one-time transfer of \$275,000 from the police standards and training council training fund and the supreme court shall make a one-time transfer of \$275,000 from the escrow fund for court facility improvements to 2001, 130:1.02, 01, 06, class 90 for fiscal year 2003 for district and probate court security.

2 Effective Date. This act shall take effect July 1, 2002.

### AMENDED ANALYSIS

This bill makes transfers of \$275,000 from the police standards and training council training fund and \$275,000 from the escrow fund for court facility improvements to the judicial branch operating budget for district and probate court security.

Reps. Scanlan and Pepino spoke in favor.

Rep. Burling spoke in favor and yielded to questions.

Floor amendment (3547h) adopted.

Rep. Mirski spoke against.

Rep. William Kelley requested a roll call; sufficiently seconded.

The question being adoption of the amended report.

### YEAS 276 NAYS 76

#### YEAS 276

#### BELKNAP

Dewhirst, Glenn	Flanders, Donald	Millham, Alida	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Wood, Jane

#### CARROLL

Bradley, Jeb	Dickinson, Howard	Patten, Betsey	Quimby, Lee
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#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Espiefs, Peter	Fairbanks, Chandler	Liebl, George
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Royce, H Charles
Slack, Pamela Russell	Smith, Edwin	Weed, Charles	Zerba, Roger

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr
Woodward, David			

#### GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles	Ward, Brien	Williams, Burton	

#### HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bragdon, Peter	Brundige, Robert
Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dionne, David	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greenberg, Gary

Guinta, Frank  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Schulze, Joan  
Sullivan, Peter  
White, John

Hall, Betty  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Milligan, Robert  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Sweeney, Cynthia  
Williams, Carol

Holden, Randolph  
Keye, Harvey  
LaFlamme, Paul  
Lessard, Rudy  
McHugh, Claire  
Movsesian, Lori  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Tahir, Saghir

Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna  
Whalley, Michael

Bouchard, Candace  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Jacobson, Alf  
Mackay, James  
Perkins, Randy  
Seldin, Gloria  
Yeaton, Charles

Brewster, Richard  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
Kennedy, Richard  
Maxfield, Roy  
Potter, Frances  
Swindlehurst, John

Burney, Carol  
Cummings, Raymond  
Fraser, Marilyn  
Hager, Elizabeth  
Leber, William  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Boynton, James  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
McGuire, Robert  
Norelli, Terie  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Sloan, Stephen  
Varrell, Thomas

Belanger, Ronald  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Clark, Martha Fuller  
Cox, Russell  
Downing, Michael  
Gilbert, Jeffrey  
Henderson, Warren  
Kane, Cecelia  
Letourneau, Robert  
Micklon, Stephanie  
O'Keefe, Patricia  
Pitts, Jacqueline  
Quandt, Matthew  
Sapareto, Frank  
Stritch, C Donald  
Welch, David

Bowles, Raimond  
Coes, Betsy  
Dalrymple, Janeen  
Flanagan, Natalie  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Power, Lucille  
Rausch, James  
Shultis, Elizabeth  
Trueman, Raymond  
Whittier, John

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

Bickford, David  
Cossette, Larry  
Goodwin, Earle  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brown, Julie  
Dunlap, Patricia  
Hughes, Christopher  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

### NAYS 76

### BELKNAP

Bartlett, Gordon  
Lawton, David

Boyce, Laurie  
Rice, Thomas Jr

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Wendelboe, Fran



**CARROLL**

Babson, David Jr	Mock, Henry	Stevens, Stanley	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Emerson, Susan	Roberts, William
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**COOS**

None

**GRAFTON**

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Mirski, Paul			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Balboni, Michael	Bergeron, Jean-Guy
Bouchard, David	Bruno, Pierre	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Dionne, Kimberley	Gleneck, David	Goulet, Maurice
Haley, Robert	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	McRae, Karen	Mercer, Robert	Moran, Edward
Pappas, Marc	Salts, Greg	Souza, Kathleen	Tate, Joan
Vaillancourt, Steve	Wheeler, Robert		

**MERRIMACK**

Dunne, Christopher	Hutchinson, John	L'Heureux, Stephen	Langer, Ray
Soltani, Tony	Winter, Steven		

**ROCKINGHAM**

Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Dumaine, Dudley	Fesh, Bob	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Itse, Daniel
Johnson, Rogers	Kelley, William	Langone, John	Moore, Benjamin
Palermo, Diane	Putnam, Ed II	Stone, Joseph	Weyler, Kenneth

**STRAFFORD**

Albert, Russell	Harrington, Michael	Twombly, James	Woods, Phyllis
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**SULLIVAN**

None

and the report was adopted.

Ordered to third reading.

**SB 339, relative to approval of contingent fee agreements by the courts. OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill terminates the current statutory requirement that any attorney representing a client on a contingent fee basis has to file a copy of the fee agreement with the court at the start of a lawsuit. This is an onerous burden that most lawyers feel violates the attorney/client privilege. Lawyers and clients are still required to enter into written contingency agreements by the rules of professional conduct; they will just not have to file them with the court. Finally, the bill requires that all fees and costs for actions resulting in settlement or judgment of \$200,000.00 or more, shall be subject to approval by the court. Vote 10-2.

**Amendment (3058h)**

Amend the bill by replacing section 1 with the following:

1 Contingent Fees. Amend RSA 508:4-e to read as follows:

508:4-e [~~Contingent Fees~~] *Attorneys' Fees for Services.*

I. Contingent fee agreements between attorney and client shall be governed by Rules of Professional Conduct, Rule 1.5 as it may be amended by the supreme court from time to time and by any other rules regarding fees which are adopted or amended by the court.

II. No attorney shall enter into such a contingent fee arrangement with his *or her* client without first advising the client of his *or her* right and affording the client an opportunity to retain the attorney under an arrangement whereby the attorney would be compensated on the basis of the reasonable value of his *or her* services.

III. ~~[All written contingency fee agreements entered into pursuant to Rule 1.5(c) of the Rules of Professional Conduct shall be filed with the court at the time of the entry of pleadings by the plaintiff's attorney.]~~

IV. ~~At the time of settlement or judgment of any action, all counsel of record will submit to the court a complete review of all fees received for services for said action; and all costs accruing from said action including, but not limited to, fees paid to expert witnesses.] All fees and costs for actions, resulting in settlement or judgment of \$200,000 or more, shall be subject to approval by the court.~~

#### AMENDED ANALYSIS

This bill removes a requirement that attorneys file written contingency agreements and reviews of fees received with the court. The bill requires attorneys' fees and costs in actions resulting in settlement or judgment of more than \$200,000 to be approved by the courts.

Adopted.

Report adopted and ordered to third reading.

#### **SB 343-FN, relative to appeals in actions against tenants REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: The committee spent a considerable amount of time deliberating this legislation. The first vote taken was "Inexpedient to Legislate", which resulted in a tie. Much of the disagreement centered around what is the appropriate make-up of an appellate court and whether or not the superior court could absorb the additional caseload without requesting additional financial resources. The superior court testified that it could do so; however, this philosophy seemed to be inconsistent with testimony provided on previous legislation this year. There was much conversation about the expanded timeframe it would take for a landlord to evict a non-paying or disruptive tenant from their apartment/residence. The committee felt that it was not likely to come to a majority on the merits of this legislation and that the best course of action would be to Interim Study the legislation so that we might further study and become enlightened as to the fairest mechanism to resolve disputes between tenants and landlords. Vote 14-4.

Adopted.

#### **SB 391-FN, relative to appeals from the compensation appeals board REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: The majority of the committee felt that the issue of creating an appeals court within the superior court required further study. Some members found the testimony of the superior court troubling. Representatives of the court testified that they could absorb and become an appellate court of appeals for workers' compensation cases. It was felt that the clerks of the court could absorb the additional docketing and the judges would have sufficient judge time available to hear and review these cases. The testimony was incongruous with testimony provided on other legislation over the biennium where clearly the court indicated that if we were to require them to hold additional hearings, there would be additional costs. Some members were quite concerned that an appellate court should consist of three judges and not a single judge. The committee also spent a great deal of time deliberating on the additional costs to litigants and potential time delays because the appeals process would become, in the first instance, an appeal to the workers' compensation appeals board, then to the superior court, and then, possibly, followed by an appeal to the supreme court. Prior to the creation of the workers' compensation appeals board, cases lingered in the superior court up to a period of three years before being resolved and the committee felt that it would be unacceptable to return to such a lengthy timeframe for the litigants in workers' compensation cases. Possibly the solution is to make the compensation appeals board function more in tune with the workers' compensation law, but that would be an issue for the Labor, Industrial and Rehabilitative Services policy committee to undertake rather than the Judiciary Committee. Vote 12-6.

Adopted.

**SENATE MESSAGES**  
**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1164**, renaming Hill's Bridge in the town of Lee as the Captain Reuben Hill Bridge. (Amendment printed SJ 04/10/02)

Rep. E. Smith moved that the House concur and spoke in favor.  
Adopted.

**HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway. (Amendments printed SJ 04/10/02)

Rep. E. Smith moved that the House concur and spoke in favor.  
Adopted.

**HB 1251**, relative to the use of mercury amalgam fillings by dentists. (Amendments printed SJ 04/10/02)

Rep. Batula moved that the House concur and spoke in favor.  
Adopted.

**HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. (Amendments printed SJ 04/11/02)

Rep. Batula moved that the House concur and spoke in favor.  
Adopted.

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. (Amendment printed SJ 04/11/02)

Rep. J. Bradley moved that the House concur and spoke in favor.  
Rep. Sloan spoke in favor.  
Adopted.

**HB 209-FN**, relative to original and youth operators' licenses. (Amendment printed SJ 02/14/02)

Rep. Packard moved that the House concur and spoke in favor.  
Adopted.

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance (Amendment printed SJ 04/10/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures. (Amendment printed SJ 04/10/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 1121**, relative to capital improvement committees. (Amendment printed SJ 04/10/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 1277**, increasing the optional veterans' property tax credit. (Amendment printed SJ 04/11/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Brundige, Griffin, Fairbanks and M. Fraser

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor. (Amendment printed SJ 04/10/02)

Reps. Patten and Kurk moved that the House nonconcur and request a Committee of Conference. On a division vote, 303 members having voted in the affirmative and 18 in the negative, the motion was adopted.

The Speaker appointed Reps. Brundige, M. Cooney, Stone and Holbrook.

**HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. (Amendment printed SJ 04/11/02)

Rep. Welch moved that the House concur and spoke in favor.  
Adopted.

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Amendment printed SJ 04/11/02)

Rep. Horton moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Goulet, Horton, Nordgren and Whalley.

**HCR 28**, urging increased federal funding for quality breast cancer research. (Amendment printed SJ 04/10/02)

Rep. Avery moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Avery, Coughlin, Pepino and Heon.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 462, 1104, 1182, 1247, 1422 and Senate Bills numbered 312, 338, 368, 369, 370 and 411.

Rep. Nowe, Sen. D'Allesandro for the Committee

### SPECIAL ORDER

**SB 336**, relative to disclosure of political contributions and expenditures. **WITHOUT RECOMMENDATION**

Rep. Arndt moved Ought to Pass with Amendment and offered floor amendment (3431h).

#### Floor Amendment (3431h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study campaign finance reform.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study campaign finance reform.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the provisions of RSA 664, political expenditures and contributions. The committee's study shall include, but not be limited to, methods of strengthening state campaign finance laws, especially in regard to issues raised in recent state and federal court decisions and federal law. The committee shall meet independently and in conjunction with the committee to study the recodification of the election laws established by 2002, 19. The committee shall consult with the leaders of the Republican and Democratic state parties, the secretary of state, and the attorney general during the course of its study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study campaign finance reform.

Rep. Arndt spoke in favor.

Adopted.

Rep. Scanlan offered floor amendment (3536h).

**Floor Amendment (3536h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study campaign finance reform and apportioning state representative districts.

Amend the bill by replacing all after section 5 with the following:

6 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

		I. Belknap County.	
District No. 1	Center Harbor		
	New Hampton		1
District No. 2	Meredith		2
District No. 3	Sanbornton		
	Tilton		1
District No. 4	Belmont		2
District No. 5	Belmont		
	Sanbornton		
	Tilton		1
District No. 6	Gilmanton		1
District No. 7	Alton		1
District No. 8	Barnstead		1
District No. 9	Gilford		2
District No. 10	Alton		
	Barnstead		
	Gilford		1
District No. 11	Laconia		5
		II. Carroll County.	
District No. 1	Bartlett		
	Chatham		
	Hart's Location		
	Jackson		1
District No. 2	Conway		
	Hale's Location		2
District No. 3	Bartlett		
	Chatham		
	Conway		
	Hale's Location		
	Hart's Location		
	Jackson		1
District No. 4	Albany		
	Eaton		
	Madison		1
District No. 5	Ossipee		1
District No. 6	Effingham		
	Freedom		
	Ossipee		
	Tamworth		2
District No. 7	Wakefield		1
District No. 8	Wolfeboro		1

District No. 9	Moultonborough	1
District No. 10	Brookfield	
	Moultonborough	
	Sandwich	
	Tuftonboro	
	Wakefield	
	Wolfeboro	3
	III. Cheshire County.	
District No. 1	Gilsum	
	Stoddard	
	Sullivan	
	Surry	1
District No. 2	Jaffrey	1
District No. 3	Dublin	
	Harrisville	
	Nelson	
District No. 4	Roxbury	1
	Dublin	
	Jaffrey	
	Harrisville	
	Nelson	
	Roxbury	1
District No. 5	Marlborough	
	Swanzy	3
District No. 6	Rindge	1
District No. 7	Winchester	1
District No. 8	Fitzwilliam	
	Richmond	
	Rindge	
	Troy	
	Winchester	3
District No. 9	Hinsdale	1
District No. 10	Chesterfield	
	Westmoreland	1
District No. 11	Chesterfield	
	Hinsdale	
	Westmoreland	1
District No. 12	Alstead	
	Marlow	
	Walpole	2
District No. 13	Keene Ward 1	1
District No. 14	Keene Ward 2	1
District No. 15	Keene Ward 3	1
District No. 16	Keene Ward 4	1
District No. 17	Keene Ward 5	1
District No. 18	Keene Wards 1-5	2
	IV. Coos County	
District No. 1	Atkinson and Gilmanton Academy Grant	
	Cambridge	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	
	Dixville	
	Dummer	
	Errol	
	Erving's Location	

	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stewartstown	
	Wentworth's Location	2
District No. 2	Milan	
	Shelburne	
	Stark	
	Stratford	
	Success	1
District No. 3	Carroll	
	Jefferson	
	Kilkenny	
	Lancaster	
	Northumberland	
	Randolph	2
District No. 4	Bean's Grant	
	Bean's Purchase	
	Berlin	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Low and Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Sargent's Purchase	
	Thompson and Meserve's Purchase	3
District No. 5	Bean's Grant	
	Bean's Purchase	
	Berlin	
	Carroll	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Kilkenny	
	Lancaster	
	Low and Burbank's Grant	
	Martin's Location	
	Northumberland	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Thompson and Meserve's Purchase	2
District No. 6	Dalton	
	Whitefield	1
	V. Grafton County	
District No. 1	Bethlehem	
	Littleton	
	Monroe	3

District No. 2	Bath	
	Lisbon	
	Lyman	1
District No. 3	Benton	
	Franconia	
	Landaff	
	Sugar Hill	
	Warren	1
District No. 4	Easton	
	Ellsworth	
	Lincoln	
	Livermore	
	Waterville Valley	
	Woodstock	1
District No. 5	Haverhill	
	Orford	
	Piermont	2
District No. 6	Ashland	
	Campton	
	Holderness	
	Thornton	3
District No. 7	Plymouth	2
District No. 8	Alexandria	
	Bridgewater	
	Bristol	
	Hebron	2
District No. 9	Dorchester	
	Groton	
	Rumney	
	Wentworth	1
District No. 10	Hanover	
	Lyme	4
District No. 11	Canaan	
	Enfield	
	Grafton	
	Orange	3
District No. 12	Lebanon	4
	VI. Hillsborough County.	
District No. 1	Antrim	
	Deering	1
District No. 2	Antrim	
	Deering	
	Hillsborough	
	Windsor	1
District No. 3	Hillsborough	
	Windsor	1
District No. 4	Weare	2
District No. 5	Goffstown	
	Weare	1
District No. 6	Francestown	
	Greenfield	1
District No. 7	Goffstown	5
District No. 8	Peterborough	
	Sharon	2
District No. 9	Bennington	
	Hancock	1



District No. 10	Lyndeborough	
	Mt. Vernon	
	New Boston	2
District No. 11	Temple	
	Wilton	1
District No. 12	Milford	
	Temple	
	Wilton	1
District No. 13	Milford	4
District No. 14	Amherst	3
District No. 15	Amherst	
	Lyndeborough	
	Mt. Vernon	
	New Boston	1
District No. 16	Bedford	6
District No. 17	Litchfield	2
District No. 18	Merrimack	8
District No. 19	Greenville	
	New Ipswich	2
District No. 20	Brookline	
	Hollis	
	Mason	1
District No. 21	Brookline	
	Mason	1
District No. 22	Hollis	2
District No. 23	Hudson	7
District No. 24	Pelham	3
District No. 25	Hudson	
	Litchfield	
	Pelham	1
District No. 26	Nashua Ward 1	3
District No. 27	Nashua Ward 2	3
District No. 28	Nashua Ward 3	3
District No. 29	Nashua Ward 4	3
District No. 30	Nashua Ward 5	3
District No. 31	Nashua Ward 6	3
District No. 32	Nashua Ward 7	3
District No. 33	Nashua Ward 8	3
District No. 34	Nashua Ward 9	3
District No. 35	Nashua Wards 1-9	1
District No. 36	Manchester Ward 1	3
District No. 37	Manchester Ward 2	3
District No. 38	Manchester Ward 3	3
District No. 39	Manchester Ward 4	3
District No. 40	Manchester Ward 5	3
District No. 41	Manchester Ward 6	3
District No. 42	Manchester Ward 7	3
District No. 43	Manchester Ward 8	3
District No. 44	Manchester Ward 9	3
District No. 45	Manchester Ward 10	2
District No. 46	Manchester Ward 11	2
District No. 47	Manchester Ward 12	2
District No. 48	Manchester Wards 10, 11, and 12	2
	VII. Merrimack County.	
District No. 1	Andover	
	Hill	1

District No. 2	New London	1
District No. 3	Danbury	
	New London	
	Wilmot	1
District No. 4	Newbury	
	Sutton	
	Warner	2
District No. 5	Bradford	
	Henniker	2
District No. 6	Dunbarton	
	Hopkinton	
	Webster	2
District No. 7	Bow	2
District No. 8	Bow	
	Dunbarton	
	Hopkinton	
	Webster	1
District No. 9	Hooksett	4
District No. 10	Allenstown	
	Pembroke	4
District No. 11	Chichester	
	Epsom	2
District No. 12	Pittsfield	1
District No. 13	Loudon	1
District No. 14	Northfield	1
District No. 15	Boscawen	1
District No. 16	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
	Pittsfield	2
District No. 17	Franklin	
	Salisbury	3
District No. 18	Concord Ward 1	1
District No. 19	Concord Ward 2	1
District No. 20	Concord Ward 3	1
District No. 21	Concord Ward 4	1
District No. 22	Concord Ward 5	1
District No. 23	Concord Ward 6	1
District No. 24	Concord Ward 7	1
District No. 25	Concord Ward 8	1
District No. 26	Concord Ward 9	1
District No. 27	Concord Ward 10	1
District No. 28	Concord Wards 1-10	3
VIII. Rockingham County.		
District No. 1	Northwood	1
District No. 2	Nottingham	1
District No. 3	Deerfield	1
District No. 4	Candia	1
District No. 5	Candia	
	Deerfield	
	Northwood	
	Nottingham	1
District No. 6	Raymond	3
District No. 7	Auburn	1
District No. 8	Chester	1

District No. 9	Auburn	
	Chester	
	Raymond	1
District No. 10	Danville	1
District No. 11	Sandown	1
District No. 12	Fremont	1
District No. 13	Danville	
	Sandown	1
District No. 14	Atkinson	2
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Hampstead	
	Plaistow	1
District No. 18	Derry	11
District No. 19	Londonderry	7
District No. 20	Windham	3
District No. 21	Londonderry	
	Windham	1
District No. 22	Salem	9
District No. 23	Epping	1
District No. 24	Epping	
	Fremont	1
District No. 25	Exeter	
	Kensington	5
District No. 26	Brentwood	1
District No. 27	East Kingston	
	Kingston	
	Newton	4
District No. 28	Newfields	
	Newmarket	3
District No. 29	Stratham	2
District No. 30	Greenland	1
District No. 31	New Castle	
	Rye	2
District No. 32	North Hampton	1
District No. 33	Hampton	
	Hampton Falls	5
District No. 34	Hampton	
	Hampton Falls	
	North Hampton	1
District No. 35	Seabrook	
	South Hampton	3
District No. 36	Portsmouth Ward 1	1
District No. 37	Portsmouth Ward 2	1
District No. 38	Newington	
	Portsmouth Ward 3	1
District No. 39	Portsmouth Ward 4	1
District No. 40	Portsmouth Ward 5	1
District No. 41	Portsmouth Wards 1, 2, and 5	1
District No. 42	Newington	
	Portsmouth Wards 3 and 4	1
	IX. Strafford County.	
District No. 1	Farmington	1
District No. 2	Milton	1
District No. 3	Middleton	
	New Durham	1

District No. 4	Farmington	
	Middleton	
	Milton	
	New Durham	1
District No. 5	Rochester Ward 1	1
District No. 6	Rochester Ward 2	1
District No. 7	Rochester Wards 1 and 2	1
District No. 8	Rochester Ward 3	1
District No. 9	Rochester Ward 4	1
District No. 10	Rochester Wards 3 and 4	1
District No. 11	Rochester Ward 5	1
District No. 12	Rochester Ward 6	1
District No. 13	Rochester Wards 5 and 6	1
District No. 14	Rollinsford	
	Somersworth	5
District No. 15	Dover Ward 1	1
District No. 16	Dover Ward 6	1
District No. 17	Dover Wards 1 and 6	1
District No. 18	Dover Ward 2	1
District No. 19	Dover Ward 3	1
District No. 20	Dover Wards 2 and 3	1
District No. 21	Dover Ward 4	1
District No. 22	Dover Ward 5	1
District No. 23	Dover Wards 4 and 5	1
District No. 24	Durham	4
District No. 25	Barrington	2
District No. 26	Lee	1
District No. 27	Strafford	1
District No. 28	Barrington	
	Durham	
	Lee	
	Madbury	
	Strafford	1
	X. Sullivan County.	
District No. 1	Cornish	
	Plainfield	1
District No. 2	Croydon	
	Newport	
	Unity	2
District No. 3	Cornish	
	Croydon	
	Newport	
	Plainfield	
	Unity	1
District No. 4	Sunapee	1
District No. 5	Grantham	
	Springfield	1
District No. 6	Acworth	
	Goshen	
	Lempster	
	Washington	1
District No. 7	Charlestown	
	Langdon	1
District No. 8	Acworth	
	Charlestown	
	Goshen	

	Langdon	
	Lempster	
	Washington	1
District No. 9	Claremont Ward 1	1
District No. 10	Claremont Ward 2	1
District No. 11	Claremont Ward 3	1
District No. 12	Claremont Wards 1-3	1

7 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2002 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2002 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2000 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2001.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study campaign finance reform.

This bill also establishes new state representative districts in accordance with the latest federal decennial census.

Reps. Vaillancourt and Burling spoke against and yielded to questions.

Reps. Scanlan, Kennedy and Stritch spoke in favor.

Rep. Jacobson spoke to the amendment.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3536h).

### YEAS 200 NAYS 147

#### YEAS 200

##### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

##### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith			

##### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

##### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

##### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

##### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald

Chabot, Robert  
Coughlin, Pamela  
Eaton, Richard  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir

Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Tate, Joan

Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Thulander, O Alan

Clegg, Robert Jr  
Dyer, Merton  
Fields, Dennis  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hess, David  
L'Heureux, Stephen  
Swindlehurst, John

Dunne, Christopher  
Hutchinson, John  
Langer, Ray  
Whalley, Michael

Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Winter, Steven

Hager, Elizabeth  
Kennedy, Richard  
MacKay, James

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Rausch, James  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Langone, John  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Case, Margaret  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald

Boynnton, James  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Twombly, James

Bickford, David  
Harrington, Michael  
Woods, Phyllis

Brown, Julie  
Musler, George

Cossette, Larry  
Reid, Christopher

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 147

### BELKNAP

Pilliod, James

Wood, Jane

### CARROLL

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Manning, Joseph  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

**HILLSBOROUGH**

Andosca, Mary	Balboni, Michael	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Camm, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Downing, Michael	Hutchinson, Karen	Kane, Cecelia
Kelley, William	Langley, Jane	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John		

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Heon, Richard
Hughes, Christopher	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and floor amendment (3536h) was adopted.

Rep. Herman moved that Rep. Scanlan's remarks and responses to questions be printed in the Journal. Without objection, the Speaker so ordered.

**REMARKS**

Rep. Scanlan: Thank you, Mr. Speaker. Mr. Speaker, I was here ten years ago when we went through the redistricting process and I can tell you it's awfully nice when we had a legislature, both chambers, that were of the same party leadership and we had a governor who was of the same party. We had a fairly lengthy debate, one day on a hot day like this during the session, and then the redistricting bill passed into law. Relatively speaking, it seemed like a smooth process. However, that's not the case this time around and I certainly don't blame our colleagues on the other side of the aisle. I

think that they have their strategy for passing a redistricting proposal. As Republicans, we have ours, too. The bottom line is that the Governor did veto HB 420 which was our original redistricting plan and while we were taking the opportunity to look at her veto message, look at options and have discussions with our colleagues across the aisle, some of the Democrats in the House did decide to throw the issue into the courts and asked them to take jurisdiction of the redistricting process. We think that's premature and disagree with that approach, but that is the way it is. Following up on how we as Republicans should proceed is to come forward with another redistricting plan that does in fact address some of the Governor's concerns in the veto message. If this process, if this plan, the redistricting proposal is going to be in the courts and they are going to have some say in the process and how it's adopted, we would like to address a couple of potential concerns, legal in nature.

All this amendment does over HB 420 is make two changes. It affects two counties. First is the issue of an overlapping flotal district in the town of Mount Vernon. We have corrected that in this plan by creating two districts: one including the towns of New Boston, Mount Vernon and Lyndeborough with two representatives; another creating a single town district of Amherst with three representatives, and then having a float with one representative representing the two districts I just mentioned. That takes care of the overlapping float which is a potential legal concern if this goes to court. The second real potential problem we had with the plan was the fact that the overall statewide deviation was in excess of 20%. It is possible that the court would find that that deviation is simply too high. The way we dealt with that in this amendment was, we went to Coos County where the deviation was very high on a county wide basis and we rearranged the districts there to bring the deviation down to about 6%. The overall deviation statewide is in the range of 16% which the courts have stated in past cases is on the upper end but it is do-able.

Now there are a couple other plans dealing with redistricting that are in your seatpockets. I don't want anybody to be confused with what those do. Because we are attempting to use the campaign finance reform bill as a vehicle and we are discussing other amendments, the redistricting plan that is presented to you today is exactly the same in each instance. The only change is the numbering that would take effect depending on what happens. This amendment assumes that the study committee that we just passed in the floor amendment is what SB 336 is going to look like once we adopt this. Now, if by chance the Bragdon amendment, which is coming up, is adopted, then we have a redistricting plan because that would wipe out this plan if it's adopted, we have another option or alternative for that as well. So, I would strongly urge this House to send this redistricting plan on to the Governor, give her another opportunity to take a look at it and also strengthen our position if this goes to court. Thank you.

Rep. Jacobson: Thank you, Mr. Speaker. Thank you, Mr. Majority Leader. I have two quick questions. One is, is the 16% deviation at the high end of possibility or is it the low end?

Rep. Scanlan: It's at the high end of possibility.

Rep. Jacobson: And my second question is how many flotal districts are there in the proposal?

Rep. Scanlan: I don't have the exact number to that. I can tell you we are minus two in Hillsborough County and I would have to do a comparison with Coos County to see if we actually changed the actual number of floats. It's very similar to the plan that we passed on to the Governor in the form of HB 420.

Rep. Jacobson: In the bill that was passed before there were 42 flotal districts up from 27 currently and you were saying there are two less than there were before?

Rep. Scanlan: I believe that there are two less in Hillsborough County and I'm not sure whether we changed the number in Coos County. Rep. Strich will have that more specific information when he comes up.

Rep. Herman: Thank you, Representative. I just want to make certain I heard you correctly that adoption of this floor amendment does not prevent any further floor amendment from Rep. Bragdon or anybody else from coming forward, is that correct?

Rep. Scanlan: That's correct. The adoption of this amendment does not preclude any other floor amendment coming up after this.

Rep. Bragdon offered floor amendment (3481h).

#### **Floor Amendment (3481h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to campaign finance reform.

Amend the bill by replacing all after the enacting clause with the following:



1 Political Expenditures and Contributions; Definitions; Contribution. Amend RSA 664:2, VIII to read as follows:

VIII. "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, or loan *(a)* to a candidate ~~[or political committee]~~ made for the purpose of influencing the nomination or election of ~~[any]~~ *the* candidate; *or (b) to a political party or to a political committee.* "Contributions" shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his *or her* candidacy.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person~~[-, political committee, or other entity expressly]~~ advocating the election or defeat of a clearly identified candidate which are *not* made ~~[without]~~ *in* cooperation or consultation *or conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ *co-ordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraphs; Political Expenditures and Contributions; Definitions; Coordinated Expenditure; Segregated Account; Person. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

XIX. "Segregated account" means an account funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XX. "Person" means a natural person, a political committee, a political party, and any other body corporate or politic, unless the context clearly requires otherwise.

4 Political Expenditures and Contributions; Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, *or a* political party, or in behalf of a candidate or political committee or political party, directly or indirectly~~[-, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election]~~:

5 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

6 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. *This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.*

7 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of [~~\$5,000 in value~~] *the limits established in RSA 664:4-c and RSA 664:4-d*, except for contributions made by a candidate in behalf of his *or her* own candidacy, [~~or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a;~~] (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] *the candidate's* fiscal agent, a political committee or its treasurer, or not to any one of the same.

8 New Sections; Political Expenditures and Contributions; Limitations on Contributions to Political Committees, Political Parties, and Candidates. Amend RSA 664 by inserting after section 4-b the following new sections:

664:4-c Limitations on Contributions to Political Committees and Political Parties. Contributions by any person to a political committee, other than a political committee working on behalf of a candidate, or to a political party shall not exceed \$5,000 in value in any year.

664:4-d Limitations on Contributions to Candidates. Contributions by any person to a candidate, including contributions to any political committee working on behalf of a candidate, shall not exceed \$5,000 in value for a primary election and \$5,000 in value for a general election, except that contributions to a candidate, including contributions to any political committee working on behalf of a candidate, who does not voluntarily agree to limit his or her campaign expenditures and those expenditures made on his or her behalf as provided in RSA 664:5-a, shall not exceed \$1,000 in value for a primary election and \$1,000 in value for a general election.

9 New Paragraph; Political Expenditures and Contributions; Limitations on Political Expenditures; Exception. Amend RSA 664:5-a by inserting after paragraph III the following new paragraph:

IV. If a candidate voluntarily agrees to limit campaign expenditures as provided in this section, and any opposing candidate (a) has not voluntarily agreed to limit campaign expenditures as provided in this section, and (b) has total expenditures exceeding the expenditure limitation amount established in RSA 664:5-b, the expenditure limitation amount applicable to the candidate shall be increased by  $\frac{1}{2}$  of the amount by which the opposing candidate exceeds the limitation amount, provided that the candidate's adjusted expenditure limitation shall not be greater than twice the amount established in RSA 664:5-b.

10 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions exceeding \$500 that are received after the statement under this paragraph is filed and prior to the day of election.

IV. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the second Wednesday after a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the previous statements, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the previous report up until the day of the primary or general election.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like

manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

11 New Section; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7-a the following new section:

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. All contributions of \$25 or under shall appear on the statement as unitemized receipts. The listing for each contribution exceeding \$25 shall include the full name and home post office address of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 for each election and the employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. All expenditures, as defined in RSA 664:2, IX and XVIII, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

12 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to *obtain and* examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

13 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

14 Committee to Study Campaign Finance Reform.

I. There is established a committee to study campaign finance reform.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the provisions of RSA 664, political expenditures and contributions. The committee's study shall include, but not be limited to, methods of strengthening state campaign finance laws, especially in regard to issues raised in recent state and federal court decisions and federal law. The committee shall meet independently and in conjunction with the committee to study the recodification of the election laws established by 2002. 19. The committee shall consult with the leaders of the Republican and Democratic state parties, the secretary of state, and the attorney general during the course of its study.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

15 Effective Date.

I. Sections 1-13 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Modifies the applicability of certain prohibitions on political contributions.

II. Establishes an exception to the political expenditure limitation amounts for a candidate who is opposed by a candidate who does not agree to limit expenditures and whose expenditures exceed the expenditure limitation amount.

III. Defines coordinated expenditures and changes the definition of independent expenditure.

IV. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

Permits business organizations and labor unions to establish political committees.

VI. Establishes a committee to study campaign finance reform.

Reps. Arndt and Clegg spoke against.

Reps. Leach and Bragdon spoke in favor.

Rep. Bragdon requested a roll call, sufficiently seconded.

The question now being adoption of floor amendment (3481h).

## YEAS 164 NAYS 174

### YEAS 164

#### BELKNAP

Millham, Alida

Pilliod, James

Wood, Jane

#### CARROLL

None

### CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Espieffs, Peter

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

Zerba, Roger

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Williams, Burton

## HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Bergeron, Jean-Guy

Bergin, Peter

Bragdon, Peter

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Dionne, David

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Elliott, Larry

Fletcher, Richard

Foster, Linda

Gargas, Carolyn

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Leach, Edward

Lynde, Harold

McDonough-Wallace, Alice

McHugh, Claire

Melcher, Harold

Messier, Irene

Movsesian, Lori

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

White, John

Williams, Carol

## MERRIMACK

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hager, Elizabeth

Lockwood, Priscilla

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Soltani, Tony

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Kane, Cecelia	Langley, Jane	Langone, John
McGuire, Robert	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John		

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James

**NAYS 174****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith			

**CHESHIRE**

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Gallus, John	Horton, Lynn	Pratt, Leighton	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

**HILLSBOROUGH**

Alukonis, David	Artz, Lawrence	Balboni, Michael	Batula, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dionne, Kimberley	Dyer, Merton	Emerton, Lawrence Sr
Fields, Dennis	Ford, Nancy	Furman, Christine	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Martel, Andre

McRae, Karen  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen

Moran, Edward  
Rowe, Robert  
Tahir, Saghir

### MERRIMACK

Anderson, Eric  
Hess, David  
L'Heureux, Stephen  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
Langer, Ray  
Whalley, Michael

Dunne, Christopher  
Jacobson, Alf  
Leber, William  
Winter, Steven

Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Stritch, C Donald

Belanger, Ronald  
Carson, Sharon  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Kelley, William  
Morse, Charles  
Power, Lucille  
Rausch, James  
Varrell, Thomas

Boynton, James  
Chalbeck, Kevin  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Welch, David

Bridle, Russell  
Cooney, Richard  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Bickford, David  
Musler, George  
Woods, Phyllis

Brown, Julie  
Reid, Christopher

Cossette, Larry  
Tsiros, William

### SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

and the floor amendment failed.

Rep. Whalley requested a roll call; sufficiently seconded.

The question now being adoption of Ought to Pass with Amendment.

**YEAS 200 NAYS 140**

**YEAS 200**

### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph

### CARROLL

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

### COOS

Davis, Perley  
Tholl, John Jr

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Mirski, Paul  
Williams, Burton

Alger, John  
Gilman, G Michael  
Scanlan, David

Barker, Robert  
Giuda, Robert  
Sova, Charles

Cobb, John  
Marshall, Gene  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dyer, Merton  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen

Alukonis, David  
Bouchard, David  
Carlson, Donald  
Coughlin, Pamela  
Eaton, Richard  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Tahir, Saghir

Artz, Lawrence  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Whalley, Michael

Colcord, J D  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Cummings, Raymond  
Hess, David  
L'Heureux, Stephen  
MacKay, James

Dunne, Christopher  
Hutchinson, John  
Langer, Ray  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

Bowles, Raimond  
Carson, Sharon  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Langone, John  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

Boynnton, James  
Case, Margaret  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Woods, Phyllis

Bickford, David  
Musler, George

Brown, Julie  
Reid, Christopher

Cossette, Larry  
Twombly, James

**SULLIVAN**

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

**NAYS 140  
BELKNAP**

Wood, Jane

**CARROLL**

Babson, David Jr



**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Manning, Joseph  
Pratt, Irene  
Weed, Charles

**COOS**

Bradley, Paula

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Bergin, Peter  
Cote, David  
Dokmo, Cynthia  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
McDonough-Wallace, Alice  
Palangas, Eric  
Spiess, Paul  
White, John

Balboni, Michael  
Bragdon, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Melcher, Harold  
Panagopoulos, Nicholas  
Sullivan, Peter  
Williams, Carol

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Bellavance, Paul  
Clemons, Jane  
Dionne, David  
Foster, Linda  
Haley, Robert  
Kacavas, John  
Lynde, Harold  
Murphy, Robert  
Shaw, Barbara  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
French, Barbara  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Gile, Mary  
Perkins, Randy  
Seldin, Gloria

Burney, Carol  
Davis, Frank  
Greco, Vincent  
Potter, Frances  
Soltani, Tony

Clarke, Claire  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Downing, Michael  
Norelli, Terie  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Kane, Cecelia  
O'Keefe, Patricia  
Shultis, Elizabeth

Clark, Vivian  
Kelley, William  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
McGuire, Robert  
Pitts, Jacqueline  
Trueman, Raymond

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

DeChane, Marlene  
Goodwin, Earle  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

**SULLIVAN**

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinیزی, James

Franklin, Peter

and the motion was adopted.

Ordered to third reading.

Rep. Babson voted nay and intended to vote aye.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Peter M. Sullivan requested that his protest be entered on the Journal.

Under the provision of Article 24, Part 2 of the New Hampshire Constitution, I hereby protest passage of SB 336, as amended, as violative of the rules of the New Hampshire House of Representatives and the Constitution of the State of New Hampshire.

**SPECIAL ORDER**

**SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education. The question being adoption of Section 3 of the amended bill.

**YEAS 193 NAYS 143****YEAS 193****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Gallus, John	Horton, Lynn	Pratt, Leighton	Tholl, John Jr
Woodward, David			

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Furman, Christine	Gargas, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Pappas, Marc	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Spiess, Paul
Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John

Kennedy, Richard  
MacKay, James  
Winter, Steven

L'Heureux, Stephen  
Soltani, Tony

Langer, Ray  
Swindlehurst, John

Leber, William  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Downing, Michael  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Langley, Jane  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Varrell, Thomas

Belanger, Ronald  
Camm, Kevin  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Welch, David

Bowles, Raimond  
Carson, Sharon  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Sloan, Stephen  
Weyler, Kenneth

Boynton, James  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Bickford, David  
Musler, George

Cossette, Larry  
Reid, Christopher

Dunlap, Patricia  
Twombly, James

Harrington, Michael  
Woods, Phyllis

### SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

### NAYS 143

### BELKNAP

Pilliod, James

Wood, Jane

### CARROLL

Philbrick, Donald

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Manning, Joseph  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Lovett, Sid  
Scovner, Nancy

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

### HILLSBOROUGH

Andosca, Mary  
Clemons, Jane  
Dionne, David  
Ginsburg, Ruth  
Jean, Claudette  
Kony, Christine  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
Williams, Carol

Baroody, Benjamin  
Cote, David  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Messier, Irene  
Panagopoulos, Nicholas  
Sullivan, Peter

Bellavance, Paul  
Cote, Peter  
Dwyer, Paul  
Gorman, Mary  
Kacavas, John  
Lynde, Harold  
Movsesian, Lori  
Pepino, Leo  
Sweeney, Cynthia

Buckley, Raymond  
Craig, James  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
McDonough-Wallace, Alice  
Murphy, Robert  
Schulze, Joan  
White, John

**MERRIMACK**

Bouchard, Candace	Burney, Carol	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Lockwood, Priscilla	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	DiFruscia, Anthony	Johnson, Robert	Langone, John
McGuire, Robert	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Rausch, James	Robertson, Carl
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Tsiros, William	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James

and Section 3 was adopted.

Remainder of bill adopted and ordered to third reading.

**REGULAR CALENDAR (CONT'D.)**

**SB 326**, establishing a committee to study the workers' compensation appeals process at the department of labor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Robert E. Clegg, Jr. for the Majority of Labor, Industrial and Rehabilitative Services: The intent of the legislation is to study the current workers compensation appeals process. Concerns from parties on both sides of the issue were responsible for the filing of legislation. No changes are being made to the process under this bill. The committee would make recommendations for any future changes to the next legislature by filing a bill, which would then follow the same procedures as any other bill. Vote 10-7.

Rep. Benjamin C. Baroody for the Minority of Labor, Industrial and Rehabilitative Services: Having been a member of the Workers Compensation Appeals Board for over 9 years, I have seen many changes first-hand. The system is now working very well. Since its inception in 1991, we have seen cases that took 2 to 3 years to be heard in Superior Court now being heard in 3 months or less with the Workers Compensation Appeals Board. Employers have seen double digit premium rate reductions with another 6% reduction just last year. This significant rate reduction is due mainly to speedy resolution of its cases.

Rep. Baroody offered floor amendment (3554h).

**Floor Amendment (3554h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the workers' compensation hearings and appeals process at the department of labor.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study the workers' compensation hearings and appeals process at the department of labor.

2 Membership and Compensation.

- I. The members of the committee shall be as follows:
  - (a) Three members of the senate, appointed by the president of the senate.
  - (b) Three members of the house of representatives, appointed by the speaker of the house.
- II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
- 3 Duties. The committee shall study:
  - I. The membership of the appeals board created under RSA 281-A:43, including the selection and appointment process and the size and composition of the board.
  - II. The grounds for appeals and manner in which appeals are brought to the board.
  - III. The docketing and hearings process including continuances, recesses, and any other causes for delays in the scheduling or holding of hearings.
  - IV. Any other matters that may adversely impact the efficiency or fairness of the hearings and appeals process.

### AMENDED ANALYSIS

This bill creates a study committee to study the workers' compensation hearings and appeals process at the department of labor.

Reps. Baroody and Clegg spoke in favor.

Adopted.

Amended majority report adopted and ordered to third reading.

### **SB 418-FN, relative to unemployment compensation. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Franklin C. Bishop for the Majority of Labor, Industrial and Rehabilitative Services: This bill was requested by the Department of Employment Security and received the full support of the Unemployment Insurance Advisory Council. Vote 10-4.

Rep. Corey E. Corbin for the Minority of Labor, Industrial and Rehabilitative Services: SB 418 simply increases the maximum unemployment compensation payments made to unemployed workers. This bill was introduced because the unemployment compensation trust fund recently received a one-time federal disbursement of \$38 million. This bill increases the average weekly amount for recipients in the top levels by almost 70%. The cost, presumably, to be absorbed by this federal disbursement of funds. The concern of the minority is as follows: the Department of Employment Security says that because quarterly employer payments are coming due, representing an additional \$20 million deposit into the fund, there will be no impact on the solvency of the trust fund. The Deputy Commissioner testified that the Department of Employment Security would be paying out approximately \$10.5 million per month for the next six months if this bill took effect. Simple math tells us that if we are spending \$63 million over the course of six months, but receiving only \$40 million in new taxes in the same time frame, we are spending \$23 million more than we are taking in. The minority further believes that whereas this bill would provide a benefit to only those receiving the top levels of compensation, the vast majority of New Hampshire's citizens currently enrolled in the unemployment program would receive no additional benefit at all. If we are going to provide an increase in a benefit, it should be for all unemployed citizens including the poorest, and not given just to those who probably don't need it to begin with. We, therefore, encourage the members of the House to oppose the majority recommendation of Ought to Pass.

Majority report adopted and ordered to third reading.

### **SB 436, allowing municipalities to adopt a lower interest rate charged on property tax payments made for property redemptions. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Currently, property taxes delinquent after 30 days are charged 12% interest, subsequent to the issuance of a lien, the interest charge is 18%. This bill would have given municipalities the option to change the interest rates lower than 18%, but not lower than 7%. This bill was strongly opposed by selectmen and tax collectors throughout the state. Among their concerns were the possibility of multi school districts having different rates, the difficulty of keeping track of varying rates and potential court challenges from one town to another. Additionally the 18% charge barely covers the cost to the towns for processing the collection of the delinquent taxes. Finally, delinquent taxes increase the cost to the other taxpayers who paid on time. The committee agreed with these concerns. Vote 14-4.

Adopted.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Amendment printed SJ 04/11/02)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Babson, Melcher, McKinney and Carlson

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians. (Amendment printed SJ 04/11/02)

Rep. Peterson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Peterson, Goulet, Dexter and Schulze.

**HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. (Amendment printed SJ 04/10/02)

Rep. Horton moved that the House concur and spoke in favor.

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1133, 1166, 1184, 1201, 1215, 1225, 1254, 1285, 1367, 1435, 1442 and 1443.

Rep. Nowe, Sen. D'Allesandro for the Committee

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1167**, permitting wine manufacturers to sell their products at farmers' markets. (Amendment printed SJ 04/11/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1203**, relative to retroactive health insurance denials. (Amendment printed SJ 04/11/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1220**, relative to assisted living residences and housing for older persons. (Amendment printed SJ 04/10/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. (Amendment printed SJ 04/11/02)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**SB 410**, relative to large groundwater withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as amended, establishes a study commission to deal with many important water issues brought up by the bill as introduced and by the several additional amendments presented to the committee. Many of these issues deal with studies which deserve a comprehensive water study, not one addressing ground water withdrawals only. These issues deal with providing for adequate future supplies of water, how to deal with differing uses of water by various interests, and how to increase and define water efficiency. These issues involve all sources of water not only ground water rules. In addition, since the present groundwater rules which have been in effect for only 1-2 years appear to be working well, and since there are larger issues at stake, a study is strongly recommended. Vote 10-5.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: The minority believes that SB 410 addresses major deficiencies in the large groundwater withdrawal statute

enacted in 1998. First, under current law there is no distinction made between withdrawals for local public water supply and those for commercial purposes. Second, under current law the Department of Environmental Services (DES) cannot consider the impact of a proposed withdrawal on the water resources necessary for a municipalities future water needs. Third, it is not clear under current statute that a potential large withdrawer could not evade large groundwater regulation by putting in several smaller wells tapping the same water source. Finally, it has become apparent that the statute leaves DES with no clear directives on how to incorporate local input into the approval process. SB 410 does not give municipalities veto power, but does allow for formation of a local review committee to provide the local perspective on the proposed withdrawal. The Spang-Rush amendment addresses concerns raised in hearings and committee work. It exempts agriculture from commercial withdrawal regulations, and grandfathers existing withdrawals. It also clarifies the role of local review committees so that the permit approval process cannot be delayed or made substantially more expensive by community involvement. Finally SB 410 as amended provides for a study committee to address the remaining issues raised by implementation of the large groundwater withdrawal statutes. Thus the Spang-Rush amendment provides for a study of larger issues, but also takes real steps in addressing the problems that DES and communities have been having with the current statute.

### **Majority Amendment (3415h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to study issues relative to large groundwater withdrawals.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. The general court recognizes that the waters of New Hampshire are a precious and invaluable resource upon which there is an ever increasing demand for existing, new and competing uses. The general court further recognizes that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire. Therefore there is hereby established a commission to study ways to clarify the hierarchy of water uses while considering existing private property rights, to evaluate a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to review the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of groundwater for the state.

#### **2 Membership and Compensation.**

I. The members of the commission shall be as follows:

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) A representative of public water supplier interests, nominated by the New Hampshire Water Works Association, and appointed by the governor.
- (d) The commissioner of the department of environmental services or designee.
- (e) A representative of the International Bottled Water Association, appointed by the governor.
- (f) Two members of the public, appointed by the governor.
- (g) A representative of industrial/commercial interests, nominated by the Business and Industry Association of New Hampshire, and appointed by the governor.
- (h) A representative of municipal interests, nominated by the New Hampshire Municipal Association, and appointed by the governor.
- (i) A representative of agricultural interests, nominated by the New Hampshire Farm Bureau, and appointed by the governor.
- (j) A representative of recreational interests, nominated by the New Hampshire Travel Council, and appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study ways to clarify the hierarchy of water uses, while considering existing private property rights, to evaluate a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to review the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water

management issues, in order to best protect and preserve an adequate supply of groundwater for the state. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, other water users, municipalities, and the state's economy. The commission shall also evaluate whether there is a need for additional regulation to address different uses of water.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission to study issues relative to large water withdrawals.

Reps. Musler and Norelli spoke against.

Rep. Spang spoke against and yielded to questions.

Reps. Cooney, Gallus and Lawton spoke in favor.

Rep. Musler requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 189 NAYS 122

YEAS 189  
BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Horton, Lynn	Tholl, John Jr	Woodward, David
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GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard



Ford, Nancy  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Spiess, Paul  
Wheeler, Robert

Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
O'Connell, Timothy  
Salts, Greg  
Tahir, Saghir

Gargaszy, Carolyn  
Goulet, Maurice  
Hall, Charles  
Johnson, Lionel  
Leach, Edward  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Langer, Ray  
Soltani, Tony

Brewster, Richard  
Hess, David  
Leber, William  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Dunne, Christopher  
L'Heureux, Stephen  
MacKay, James

### ROCKINGHAM

Arndt, Janet  
Carson, Sharon  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Chalbeck, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Langone, John  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Whittier, John

Camm, Kevin  
Cooney, Richard  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Harrington, Michael

Bickford, David  
Reid, Christopher

Brown, Julie  
Twombly, James

Cossette, Larry  
Woods, Phyllis

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 122

### BELKNAP

Pilliod, James

Wood, Jane

### CARROLL

### CHESHIRE

Allen, Peter  
Pratt, Irene

Batchelder, Robert  
Richardson, Barbara

Emerson, Susan  
Zerba, Roger

Mitchell, McKim

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Nordgren, Sharon

Almy, Susan  
Pawlek, Marion

Benn, Bernard  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

### HILLSBOROUGH

Andosca, Mary  
Cote, David  
Ginsburg, Ruth

Baroody, Benjamin  
Cote, Peter  
Haley, Robert

Bellavance, Paul  
Drabinowicz, A Theresa  
Hall, Betty

Buckley, Raymond  
Foster, Linda  
Holden, Randolph

Jean, Claudette  
L'Heureux, Robert  
Messier, Irene  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Kacavas, John  
Lasky, Bette  
Movsesian, Lori  
Schulze, Joan  
White, John

Keye, Harvey  
Lynde, Harold  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Konys, Christine  
Melcher, Harold  
Palangas, Eric  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Jacobson, Alf  
Potter, Frances  
Swindlehurst, John

Burney, Carol  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Clarke, Claire  
French, Barbara  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

Daneault, Gabriel  
Greco, Vincent  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Clark, Martha Fuller  
Johnson, Robert  
O'Keefe, Patricia  
Reardon, Neil  
Trueman, Raymond

Bowles, Raimond  
Coes, Betsy  
Langley, Jane  
Pantelakos, Laura  
Robertson, Carl  
Weatherspoon, Jacquelyne

Boynton, James  
DiFruscia, Anthony  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth

Case, Margaret  
Downing, Michael  
Norelli, Terie  
Power, Lucille  
Splaine, James

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
McCarthy, Gerald  
Proulx, Raymond  
Spang, Judith

Dunlap, Patricia  
Hughes, Christopher  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinzy, James

Franklin, Peter

and the majority amendment was adopted.

Rep. Spang offered minority floor amendment (3231h).

### Minority Amendment (3231h)

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Protection of an Adequate Supply of Groundwater, Large Withdrawals Compatible. Amend RSA 485-C:1 by inserting after paragraph II the following new paragraph:

III. The purpose of this chapter is also to protect, conserve, and manage an adequate supply of groundwater to benefit all existing and future users of New Hampshire's water resources. In recognition that the waters of New Hampshire are a precious, finite, and invaluable resource upon which there is an ever increasing demand for existing, new, and competing uses; and in further recognition that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire, the legislature finds and declares that large groundwater withdrawals shall be compatible with long-range water resource planning and proper management and use of the water resources of New Hampshire, and consistent with New Hampshire's policy of protecting, conserving, and managing the water resources of the state in the interest of present and future generations.

2 Definitions; Agriculture, Agricultural Withdrawal, Ambient Groundwater Quality Standards. Amend RSA 485-C:2, I to read as follows:

1. *'Agriculture' means agriculture as defined in RSA 21:34-a.*

1-a. *'Agricultural withdrawal' means a new withdrawal of groundwater of 57,600 gallons or more in any 24-hour period from a withdrawal site that will be used for agriculture.*

1-b. *'Ambient groundwater quality standards' means maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6.*

3 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Commercial withdrawal" means a new withdrawal of groundwater of 57,600 gallons or more in any 24-hour period from a withdrawal site that will be used for purposes other than agriculture, community water supply, or to supply individual domestic water systems.

4 New Paragraphs; Definitions Added. Amend RSA 485-C:2 by inserting after paragraph III the following new paragraphs:

III-a. "Community water supply" means water withdrawn to supply a community water system.

III-b. "Community water system" means a community water system as defined in RSA 485:1-a, I.

5 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph X the following new paragraph:

X-a. "New withdrawal" means the removal of 57,600 gallons or more of groundwater in any 24-hour period after the effective date of this paragraph from either an untapped spring or springs, or a new well or wells, or from a spring or well that has not been used for any water withdrawal on a consistent basis for the prior 2 or more years.

6 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Study area" means the area that encompasses the maximum extent of the cone of depression created by the new withdrawal, the maximum extent of the recharge area for the new withdrawal, and the downgradient area of the new withdrawal. The downgradient area of the new withdrawal shall include: the area where water taken by the new withdrawal would flow if the new withdrawal did not operate; the area that will provide water to the downgradient area when the new withdrawal is operating; and the point where the amount of water to be withdrawn is negligible when compared to the amount of water crossing the boundary using one of the following methods:

(a) An existing or new delineation of a watershed large enough so that the size of the entire study area for the new withdrawal is at least 10 times the size of the recharged area for the withdrawal;

(b) An existing or new delineation of a watershed where the amount of water crossing the downgradient boundary, that is, leaving the study area under current conditions, is at least 10 times the amount of water to be withdrawn; or

(c) An alternative method of estimating a study area provided it:

(1) Relies on conservation assumptions;

(2) Is demonstrated as appropriate for the site by testing results; and

(3) Is clearly explained and justified in a written report developed in accordance with this chapter and rules adopted pursuant to this chapter.

7 New Paragraphs; Definitions Added. Amend RSA 485-C:2 by inserting after paragraph XVIII the following new paragraphs:

XVIII-a. "Withdrawal" means the removal of groundwater for any purpose.

XVIII-b. "Withdrawal site" means a parcel of land where one or more new withdrawals are established by a person to withdraw water for a community water supply, agriculture, or a commercial purpose. Multiple withdrawal sites shall be considered a single withdrawal site for purposes of determining the number of gallons withdrawn in a 24-hour period where one or more of such withdrawal sites are owned, operated, or controlled by the same person or an affiliate of that person and one or more of such withdrawal sites are connected hydrogeologically and are withdrawing water from the same source. For purposes of this paragraph, "affiliate" means a person who directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a withdrawal site owner or operator, an officer, director, partner, shareholder, member, or any relative of the foregoing persons. For purposes of this paragraph "control" means possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether it is through the ownership of voting securities or by contract or otherwise.

8 Rulemaking; Large Groundwater Withdrawals. RSA 485-C:4, XII is repealed and reenacted to read as follows:

XII. All new groundwater withdrawals of 57,600 gallons or more in any 24-hour period. Such rules shall include:

(a) Criteria and procedures for requiring persons to identify and address impacts of new withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the anticipated study area.

(b) Requirements relative to water conservation management plans which demonstrate water use efficiency related to the proposed new withdrawals, to be submitted by the persons seeking approval for a new withdrawal.

(c) Requirements and procedure relative to demonstrating requirements for approval in accordance with RSA 485-C:21, II-IV.

(d) If hydrogeologic data indicate that any well, water resource, or water-related resources will be or are being adversely affected by the new withdrawal, procedures by which the department may deny, revoke, or suspend permission for a new withdrawal, or reduce the amount of water withdrawn.

(e) If hydrogeologic data indicate that any private well is being adversely affected by the new withdrawal, procedures by which the department may allow or require a mitigation program for provision of a substantially similar alternative water supply to the adversely affected well at no initial capital cost to persons whose wells are or will be adversely affected by the new withdrawal.

(f) Requirements and procedures for exempting replacement wells and temporary withdrawals such as new withdrawals needed on a periodic short-term basis or for groundwater remediation or construction dewatering from RSA 485-C:21, II and III.

9 Notification of Large Groundwater Withdrawal Required. Amend RSA 485-C:14-a to read as follows:

485-C:14-a Notwithstanding any provision of law to the contrary, before any person may establish a new withdrawal of 57,600 gallons or more of water in any 24-hour period from a ~~[well]~~ **withdrawal site**, such person shall provide written notice to the governing body of the municipality in which the ~~[well]~~ **new withdrawal site** is located and to the governing bodies of each municipality and each supplier of water within the anticipated ~~[zone of contribution to the well]~~ **study area**. This section shall apply only to ~~[wells]~~ **new withdrawals** established after the effective date of this section.

10 Municipal Authority. RSA 485-C:20 is repealed and reenacted to read as follows:

485-C:20 Municipal Authority.

I. Nothing in this chapter preempts the authority of municipalities, under other statutes, to enact as stringent or more stringent requirements affecting groundwater, except that the quantity of groundwater that may be withdrawn for any purpose shall be regulated solely by the state.

II. A municipality may require a person proposing to withdraw water to demonstrate compliance with local zoning restrictions and with all applicable local ordinances related to the siting of the withdrawal and associated site development and groundwater quality. If such demonstration of compliance is required, the project shall be considered a development of regional impact and shall be subject to the procedure required by RSA 36:57.

11 Approval for Large Groundwater Withdrawals. RSA 485-C:21 is repealed and reenacted to read as follows:

485-C:21 Approval for Large Groundwater Withdrawals.

I. No person may establish a new withdrawal to withdraw 57,600 gallons or more of water in any 24-hour period from a withdrawal site after the effective date of this section without the prior approval of the department.

II. The department shall not approve a new withdrawal for community water supply of 57,600 gallons or more of groundwater from a withdrawal site in any 24-hour period, except for new withdrawals meeting the criteria for replacement or temporary withdrawals, unless the person seeking approval successfully demonstrates the following :

(a) Water-related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected; and

(b) Water use efficiency.

III. The department shall not approve a new groundwater withdrawal for commercial purposes of 57,600 gallons or more of water in any 24-hour period, except for new withdrawals meeting the criteria for replacement or temporary withdrawals from a withdrawal site, unless the person seeking approval successfully shows public benefit by demonstrating all of the following:

(a) Water-related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected and provided that the mitigation is reasonably acceptable to adversely affected well owners.

(b) Water use efficiency.

(c) The new withdrawal is consistent with municipal ordinances pertaining to groundwater quality in effect at the time the application is submitted.

(d) The new withdrawal will not compromise the future supply of groundwater necessary to support reasonably expected land uses in the study area based on land use regulations of affected municipalities

(e) Proof of financial responsibility, such as liability insurance, for potential damages to the environment.

(f) Sufficient reliability, expertise, integrity, and competency to ensure compliance with the terms and conditions of the permit.

IV. The department shall not approve a new withdrawal for agriculture of 57,600 gallons or more of groundwater from a withdrawal site in any 24-hour period, except for new withdrawals meeting the criteria for replacement or temporary withdrawals, unless the person seeking approval successfully demonstrates the following:

(a) Water related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected; and

(b) Water use efficiency.

V. Preliminary applications for approval of new withdrawals of 57,600 gallons or more per day shall be filed with the department in a form approved by the department. The preliminary application shall contain information in a preliminary report for well siting pursuant to department rules, a conservation plan, and for commercial withdrawals, information required for approval in accordance with paragraph III. Copies of the preliminary application and all subsequent submittals to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of municipal water within the anticipated study area.

VI. Final applications for approval of a new withdrawal of 57,600 gallons or more per day shall be filed with the department in a form approved by the department. The final application shall contain information in a final report for well siting pursuant to department rules, any revisions to the conservation plan, and for commercial withdrawals, revisions to information required for approval in accordance with paragraph III. Copies of the final application and all subsequent submittals to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of municipal water within the anticipated study area.

VII. Following the submission of the preliminary application, when the aquifer testing program has been approved but before it has been conducted, and after the applicant has submitted a final report including aquifer testing analysis, the department shall hold at least one public hearing on the application in the municipality in which the proposed new withdrawal is to be made upon the request of the governing body of any municipality or supplier of water within the anticipated study area, provided that such a hearing is requested within 30 days of receipt of the application or of notice from the department offering the opportunity for a hearing.

VIII. The department shall hold at least one public hearing within 30 days after the request of the governing body of the municipality or the supplier of water made pursuant to paragraph VII. Notice of any hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality in which the new withdrawal is located, in 2 public places in the municipality or municipalities requesting the public hearing, and in 2 public places in the municipality which is the location of a public water supplier that requests a public hearing.

IX. The applicant, the public, and the governing body of each municipality and each supplier of water within the anticipated study area of the new withdrawal may submit comments to the department relative to the proposed new withdrawal within 45 days after the public hearing in the municipality or, if no hearing is requested, within 45 days after the receipt of the application. If the comments relative to the application make recommendations to the department, the department shall specifically consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

X. Rehearings and appeals from a decision of the department under this section shall be in accordance with RSA 21-O:14.

XI. A municipality in which a person is proposing to locate a large commercial groundwater withdrawal may establish a large commercial groundwater withdrawal review committee to make recommendations to the department concerning the approval of the large groundwater withdrawal which shall have membership and duties as follows:

(a) The members of the committee shall be as follows:

(1) Three members appointed by the governing body of the municipality where the new withdrawal shall be located, providing that one of the 3 members is on the planning board of that municipality.

(2) Two members from each of the municipalities in the study area, other than the municipality where the new withdrawal shall be located, who are appointed by their respective governing bodies, provided that one member from each municipality is a planning board member.

(3) In the event a member of the municipal planning board is not available to serve on the committee as set forth in subparagraphs (a) and (b), then the governing bodies shall be free to appoint other residents of their municipality.

(b) The committee shall be formed within 60 days of receipt of the preliminary application from the applicant by the municipalities in the study area.

(c) Upon formation, the committee shall notify the department and provide it with the chairperson's contact information.

(d) The department shall provide all information concerning the application for the large commercial groundwater withdrawal to the review committee chairperson and shall be available to meet with the committee within 15 days of receiving a request for a meeting.

(e) The committee may require the applicant to pay the reasonable costs of technical reviews performed by experts hired by the committee.

(f) The committee may hold one or more public hearings regarding the proposed new withdrawal. Notice of the public hearings shall be made by the committee to the department and the applicant 7 days before the hearing and shall be published as set forth in RSA 485-C:21, VII.

(g) The committee shall provide written recommendations to the department within the time frames specified in RSA 485-C:21, VIII.

(h) The department shall issue a written report of findings relative to the large commercial groundwater withdrawal review committee's recommendations on the approval of a large ground water withdrawal. The report of findings shall specify which recommendations were taken and provide an explanation of any decisions contrary to the recommendations.

12 Drinking Water Rules; Large Water Withdrawal. RSA 485:3, XIII is repealed and reenacted to read as follows:

XIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to new groundwater withdrawals of 57,600 gallons or more in any 24-hour period by public water systems. Such rules shall include:

(a) Criteria and procedures for requiring public water systems to identify and address impacts of new withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the study area.

(b) Requirements relative to water conservation management plans which demonstrate water use efficiency related to the proposed new withdrawals, to be submitted by the public water system seeking approval for a new withdrawal.

(c) Requirements and procedures relative to demonstrating requirements for approval in accordance with RSA 485-C:21, II.

(d) If hydrogeologic data indicate that any well, water resources or water-related resources will be or are being adversely affected by the new withdrawal, procedures by which the department may deny, revoke or suspend permission for a new withdrawal or reduce the amount of water withdrawn.

(e) If hydrogeologic data indicate that any private well is being adversely affected by the new withdrawal, procedures by which the department may allow or require a mitigation program for provision of a substantially similar alternative water supply to the adversely affected well at no initial capital cost to persons whose wells are or will be adversely affected by the new withdrawal.

(f) Requirements and procedures for exempting replacement wells and temporary withdrawals such as new withdrawals needed on a periodic short term basis or for groundwater remediation or construction dewatering from RSA 485-C:21, II.

#### 13 Committee Established.

I. There is established a committee to study ways to clarify the hierarchy of water uses, to establish procedures to determine the most beneficial uses for a specific water resource, and to establish a process by which new water users would be required to develop the least impacting alternative including consideration of regional water resources and water management issues.

II.(a) The members of the committee shall be as follows:

(1) Three members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study ways to clarify the hierarchy of water uses, to establish procedures to determine the most beneficial use for a specific water resource, and to establish a process by which new water users would be required to develop the least impacting alternative including consideration of regional water resources and water management issues. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, other water users, municipalities, and the state's economy. The committee shall also evaluate whether there is a need for additional regulation to address different uses of water. The committee shall be guided by and develop findings and recommendations that are consistent with and implement the purpose set forth in RSA 485-C:1, III.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 90 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2003.

#### 14 Applicability.

I. The sections of this act that pertain to commercial, agricultural, and community water supply withdrawal regulation shall not apply to withdrawals sited or established before the effective dates of such section.

II. New withdrawals for community water supplies shall meet the requirements for approval contained in RSA 485-C:21, II and shall not be subject to the additional requirements for new commercial withdrawals contained in RSA 485-C:21, III.

#### 15 Effective Date.

I. Section 12 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Rep. Spang spoke in favor.

Rep. Royce spoke against.

Rep. Phinzy requested a roll call; sufficiently seconded.

The question being adoption of minority floor amendment (3231h).

### YEAS 123 NAYS 187

#### YEAS 123

#### BELKNAP

Pilliod, James

Rice, Thomas Jr

Wood, Jane

#### CARROLL

None

#### CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Emerson, Susan

Mitchell, McKim

Pratt, Irene

Richardson, Barbara

Zerba, Roger

#### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

#### GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Lovett, Sid

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

#### HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Cote, David

Cote, Peter

Drabinowicz, A Theresa

Foster, Linda

Ginsburg, Ruth  
Holden, Randolph  
Konys, Christine  
McHugh, Claire  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Graham, John  
Jean, Claudette  
L'Heureux, Robert  
Melcher, Harold  
Palangas, Eric  
Sullivan, Peter

Haley, Robert  
Kacavas, John  
Lasky, Bette  
Messier, Irene  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Perkins, Randy  
Seldin, Gloria

Burney, Carol  
Davis, Frank  
Jacobson, Alf  
Potter, Frances  
Swindlehurst, John

Clarke, Claire  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Cummings, Raymond  
French, Barbara  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Clark, Martha Fuller  
Langley, Jane  
Pitts, Jacqueline  
Splaine, James

Bowles, Raimond  
Coes, Betsy  
Norelli, Terie  
Power, Lucille  
Trueman, Raymond

Boynnton, James  
DiFruscia, Anthony  
O'Keefe, Patricia  
Robertson, Carl  
Weatherspoon, Jacquelyne

Case, Margaret  
Johnson, Robert  
Pantelakos, Laura  
Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
McCarthy, Gerald  
Proulx, Raymond  
Spang, Judith

Dunlap, Patricia  
Hughes, Christopher  
Musler, George  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

Franklin, Peter

### NAYS 187

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Millham, Alida  
Thomas, John

### CARROLL

Babson, David Jr  
Patten, Betsey  
Sullivan, P Judith

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

### CHESHIRE

Dexter, Judson  
Liebl, George  
Smith, Edwin

Edwards, Dana  
Manning, Joseph

Fairbanks, Chandler  
Roberts, William

Hunt, John  
Royce, H Charles

### COOS

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

### GRAFTON

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Williams, Burton

Barker, Robert  
Giuda, Robert  
Scanlan, David

Cobb, John  
Ham, Bonnie  
Sova, Charles

Dudley, Terri  
Marshall, Gene  
Ward, Brien



**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargas, Carolyn	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Martel, Andre	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Pappas, Marc	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Soltani, Tony
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John			

**STRAFFORD**

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	Reid, Christopher	Twombly, James	Woods, Phyllis

**SULLIVAN**

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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and the floor amendment failed.

Majority report adopted and ordered to third reading.

**SB 452, relative to fines for violations of the shoreland protection act. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for the Majority of Resources and Development: SB 452 establishes the definition of a "repeat violation" to help resolve chronic enforcement problems of the comprehensive shoreland protection act (CSPA). It also gives the Commissioner of the Department of Environmental Services (DES) the option to double the previous fine amount for subsequent violations of the CSPA. The amendment requires that the "repeat" violation must occur within 3 years of the initial violation notification. The amendment was crafted with the intention of limiting the "double penalty" to individuals or entities who actually committed the initial violation of the CSPA. Vote 13-2.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority of the committee has serious concerns about the proposed legislation contained in SB 452. Passage of SB 452 may lead to the imposition of excessive administrative penalties not proportional to the offenses; and therefore, not consistent with rights afforded by our constitution.

### Majority Amendment (3394h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; "Repeat Violation". Amend RSA 483-B:4 by inserting after paragraph XVIII the following new paragraph:

XVIII-a. "Repeat violation" means a violation that occurs within 3 years of notification by the department of a prior violation as defined in RSA 483-B:18, 1, whether on the same site or by the same person or entity on a second site. Each day of continuing violation after notification of that violation shall be considered a repeat violation.

2 Comprehensive Shoreland Protection Act; Penalties. Amend RSA 483-B:18, III (c) to read as follows:

(c) The commissioner, after notice and hearing pursuant to RSA 541-A, [may] *shall* impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil or criminal penalties under this chapter.

*(d) Notwithstanding the \$5000 fine limit in subparagraph (c), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.*

3 Effective Date. This act shall take effect January 1, 2003.

Adopted.

Majority report adopted and ordered to third reading.

### **SB 453, relative to setbacks in the shoreland protection act. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Sid Lovett for the Majority of Resources, Recreation and Development: This bill re-establishes the setback of 50 feet for primary structures adjacent to the Public Trust Lake Water of New Hampshire. This has been scientifically acknowledged as aiding water quality. It also grandfatheres those communities who established a lesser setback prior to January 1, 2002. Further, it includes the Connecticut River relative to the shoreland protection act. Vote 11-4.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority of the committee believes that SB 453, although well intentioned, does not satisfy the concern that it purportedly would solve. Passage of SB 453 will not create uniformity between setback requirements in different towns, and does not address the real issue of surface water protection.

Adopted and ordered to third reading.

### **SCR 4, relative to prescription drug patient assistance programs. OUGHT TO PASS**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: SCR4 urges the federal government to require pharmaceutical companies to create a common application for prescription programs. Such a form would simplify the application process for seniors and low-income individuals and allow health care practitioners to concentrate on patient care, rather than on paperwork and bureaucratic wrangling. New Hampshire's Medication Bridge Project has already developed a common application for that would make a suitable template for a national form. Vote 10-2.

Adopted and ordered to third reading.

### **SB 366, relative to biennial reports of the public utilities commission. OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: Ways and Means heard this bill because the policy committee added a provision relative to reinstating the Electricity Consumption tax. The committee also entertained an amendment which would have provided relief from the state Electricity Consumption Tax for the first 2.5 million kilowatt hours (kWh) of electricity that is self-generated. Because of concerns about the constitutionality of the exemption, and in recognition that the Science and Technology committee had already rejected this amendment, this committee elected to stay with the original bill. Vote 14-2.

Adopted and ordered to third reading.

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: SB 441-FN-A establishes the position of hazardous materials response coordinator at the department of safety and sets up a legislative study committee to study the interoperability of state agency communications. Both of these issues were recommendations of the Governor's Commission on Preparedness and Security. The hazardous materials response coordinator will assist local governments with hazmat planning and response. The position will be funded from the recent bio-terrorism grant that was made available to the department of health and human services. The committee made additional technical changes requested by the department of safety. The amendment repeals the division of enforcement, which is no longer necessary due to the division of motor vehicles absorbing these duties, as well as abolishing an unclassified director position. The commissioner of safety is also authorized to seek the approval of the fiscal committee in establishing a deputy director of the division of state police. The fiscal committee would also have to review and approve any future request from the department. The bill also repeals a requirement that the state police issue an annual report. This report is a duplication of other reports be issued by the department of safety. Vote 10-0.

### **Amendment (3322h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety.

Amend subparagraph I(b) as inserted by section 5 of the bill by replacing it with the following:

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing all after section 8 with the following:

9 New Paragraph; Division of State Police; Duty Added. Amend RSA 21-P:7 by inserting after paragraph II the following new paragraph:

III. The division of state police shall be responsible for bingo and lucky 7 enforcement and any other duties performed by bingo and lucky 7 inspectors.

10 New Section; Deputy Director of State Police. Amend RSA 21-P by inserting after section 7 the following new section:

21-P:7-a Deputy Director of State Police.

I. The commissioner of safety is authorized to establish, subject to the approval of the fiscal committee, the unclassified position of deputy director of state police. Upon approval by the fiscal committee, the commissioner shall nominate a deputy director of state police for appointment by the governor, with the consent of the council. The deputy director of state police shall be an unclassified officer and shall serve at the pleasure of the governor and council. The deputy director of state police shall be qualified to hold that position by reason of education and experience.

II. The deputy director of state police shall perform such duties as are assigned by the director of state police. The deputy director of state police shall assume the duties of the director of state police in the event that the director of state police is unable for any reason to perform such duties.

11 New Paragraph; Division of Motor Vehicles; Duty Added. Amend RSA 21-P:8 by inserting after paragraph III the following new paragraph:

IV. Hazardous materials transportation and truck weight enforcement.

12 Deputy Director of State Police; Salary of Position. The unclassified position of deputy director of state police authorized in RSA 21-P:7-a as inserted by section 10 of this act, shall be submitted to the commissioner of administrative services for evaluation by the consulting group on compensation of state officers, contracted pursuant to RSA 21-I:13, XIII, for determination of the salary for the position of deputy director of state police, subject to the approval of the fiscal committee.

13 Reference Removed; Division of Enforcement. Amend RSA 21-P:5, II to read as follows:

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties. The assistant commissioner shall be responsible for the operations of the division of hearings[;] **and** the bureau of fire safety[; ~~and the division of enforcement~~].

14 Repeal. The following are repealed:

- I. RSA 21-P:11, relative to the division of enforcement.
  - II. RSA 106-B:16, relative to reports by the director of state police.
- 15 Effective Date.

- I. Sections 4-8 of this act shall take effect upon its passage.
- II. Sections 9-14 of this act shall take effect July 1, 2002.
- III. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the position of hazardous materials response coordinator within the department of safety, division of fire safety and establishes a committee to study the interoperability of state agency communications.

This bill establishes the authority for the unclassified position of deputy director of state police in the department of safety, and repeals the authority for the division of enforcement. The bill also removes a reporting requirement of the director of state police.

Adopted.

Rep. Kurk offered floor amendment (3517h).

### Floor Amendment (3517h)

Amend the bill by replacing section 3 with the following:

3 Position of Hazardous Materials Incident Response Coordinator; Source of Funding. The position of hazardous materials incident response coordinator shall be funded with available federal moneys. No state moneys shall be used to fund the position of hazardous materials incident response coordinator. Rep. Kurk spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 420-FN**, making an appropriation for the purpose of hiring a recreational ride and lift investigator. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Finance: The committee feels this bill should be put into interim study and referred back to the policy committee (Executive Departments & Administration) to come up with an administrative fee and inspection fee that would generate the dollars necessary to fund the position. Vote 14-2.

Rep. Letourneau spoke against.

Rep. Stone spoke in favor and yielded to questions.

Adopted.

Rep. Lockwood declared a conflict of interest and did not participate.

**SB 440**, relative to rules for water conservation. **OUGHT TO PASS**

Rep. Deanna P. Rush for Resources, Recreation and Development: This bill defines "water conservation" for purposes of New Hampshire's Safe Drinking Water Act. It requires the Department of Environmental Services to develop rules for water use efficiency. These rules, which apply to certain new water withdrawals are to be consistent with current industry standards and practices. A survey of water systems serving 500 people or more indicates 83% implement no or very limited water conservation measures. A similar survey for large commercial water users in New Hampshire indicates that 70% follow no or very limited measures. Implementing the water conservation practices will result in environmental benefits such as reduced water use, and economic benefits, such as reduced costs associated with water treatment and infrastructure development. All the testimony heard was in support of this bill. Vote 10-5.

Rep. Bruno spoke against and yielded to questions.

Rep. Rush spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 198 NAYS 93

### YEAS 198

### BELKNAP

Flanders, Donald  
Pilliod, James

Holbrook, Robert  
Russell, David

Millham, Alida  
Thomas, John

Nedeau, Stephen  
Wood, Jane

**CARROLL**

Bradley, Jeb  
Stevens, Stanley

Patten, Betsey

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Edwards, Dana  
Mitchell, McKim  
Royce, H Charles

Avery, Stephen  
Emerson, Susan  
Pratt, Irene  
Smith, Edwin

Batchelder, Robert  
Fairbanks, Chandler  
Richardson, Barbara  
Zerba, Roger

Dexter, Judson  
Manning, Joseph  
Roberts, William

**COOS**

Bradley, Paula

Davis, Perley

Horton, Lynn

Landers, Dana

**GRAFTON**

Akins, Ralph  
Scanlan, David

Almy, Susan  
Scovner, Nancy

Benn, Bernard  
Sokol, Hilda

Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Bellavance, Paul  
Cote, David  
Drabinowicz, A Theresa  
Elliott, Larry  
Gargas, Carolyn  
Graham, John  
Hall, Betty  
Konys, Christine  
LaRose, Richard  
McHugh, Claire  
O'Connell, Timothy  
Sargent, Maxwell  
Sullivan, Peter  
Wheeler, Robert

Andosca, Mary  
Brundige, Robert  
Cote, Peter  
Drisko, Richard  
Fields, Dennis  
Ginsburg, Ruth  
Greenberg, Gary  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Messier, Irene  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Baroody, Benjamin  
Buckley, Raymond  
Dionne, Kimberley  
Dyer, Merton  
Ford, Nancy  
Gonzalez, Carlos  
Guinta, Frank  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
Milligan, Robert  
Panagopoulos, Nicholas  
Shaw, Barbara  
Thulander, O Alan  
Williams, Carol

Batula, Peter  
Christensen, D L Chris  
Dokmo, Cynthia  
Eaton, Richard  
Foster, Linda  
Goulet, Maurice  
Haley, Robert  
Kacavas, John  
LaFlamme, Paul  
Lynde, Harold  
Movsesian, Lori  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
Fraser, Leo Jr  
Hess, David  
MacKay, James  
Rodd, Beth  
Yeaton, Charles

Bouchard, Candace  
Cummings, Raymond  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Rush, Deanna

Brewster, Richard  
Daneault, Gabriel  
French, Barbara  
Langer, Ray  
Perkins, Randy  
Seldin, Gloria

Burney, Carol  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet  
Bowles, Raimond  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Gleason, John  
Katsakiores, George  
Major, Norman  
O'Keefe, Patricia  
Priestley, Anne  
Sloan, Stephen  
Trueman, Raymond

Belanger, Ronald  
Boynton, James  
Coes, Betsy  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, Phyllis  
McGuire, Robert  
Pantelakos, Laura  
Putnam, Ed II  
Splaine, James  
Weatherspoon, Jacquelyne

Bishop, Franklin  
Case, Margaret  
Cooney, Richard  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Langley, Jane  
Morse, Charles  
Pitts, Jacqueline  
Rausch, James  
Stone, Joseph  
Whittier, John

Blanchard, MaryAnn  
Clark, Martha Fuller  
Cox, Russell  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Langone, John  
Norelli, Terie  
Power, Lucille  
Shultis, Elizabeth  
Stritch, C Donald

**STRAFFORD**

Brennan, William  
Estabrook, Iris

Brown, Julie  
Gilmore, Gary

DeChane, Marlene  
Hughes, Christopher

Dunlap, Patricia  
Kaen, Naida

Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Pelletier, Marsha  
Smith, Marjorie  
Twombly, James

Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Reid, Christopher  
Spang, Judith

### SULLIVAN

Burling, Peter  
Harris, Sandra

Cloutier, John  
Jones, Constance

Franklin, Peter  
Leone, Richard

Harris, Joseph  
Odell, Bob

### NAYS 93

### BELKNAP

Bartlett, Gordon  
Rice, Thomas Jr

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Wendelboe, Fran

Lawton, David

### CARROLL

Babson, David Jr

Dickinson, Howard

Mock, Henry

Sullivan, P Judith

### CHESHIRE

Hunt, John

Liebl, George

### COOS

Gallus, John

Pratt, Leighton

Tholl, John Jr

Woodward, David

### GRAFTON

Alger, John  
Gilman, G Michael  
Sova, Charles

Barker, Robert  
Giuda, Robert  
Williams, Burton

Cobb, John  
Marshall, Gene

Dudley, Terri  
Mirski, Paul

### HILLSBOROUGH

Alukonis, David  
Bouchard, David  
Carlson, Donald  
Furman, Christine  
Herman, Keith  
Martel, Andre  
Murphy, Robert  
Tahir, Saghir

Artz, Lawrence  
Bragdon, Peter  
Christiansen, Lars  
Gleneck, David  
Holden, Randolph  
McRae, Karen  
Pappas, Marc

Balboni, Michael  
Bruno, Pierre  
Clegg, Robert Jr  
Golding, William  
Hopper, Gary  
Mercer, Robert  
Rowe, Robert

Bergeron, Jean-Guy  
Calawa, Leon Jr  
Fletcher, Richard  
Hall, Charles  
Jean, Loren  
Moran, Edward  
Souza, Kathleen

### MERRIMACK

Dunne, Christopher  
Swindlehurst, John

Kennedy, Richard  
Whalley, Michael

L'Heureux, Stephen  
Winter, Steven

Leber, William

### ROCKINGHAM

Camm, Kevin  
DiFruscia, Anthony  
Introne, Robert  
Kelley, William  
Palermo, Diane  
Varrell, Thomas

Carson, Sharon  
Fesh, Bob  
Itse, Daniel  
Letourneau, Robert  
Quandt, Marshall  
Welch, David

Chalbeck, Kevin  
Gilbert, Karl  
Johnson, Robert  
Nowe, Ronald  
Quandt, Matthew  
Weyler, Kenneth

Dearborn, Bruce  
Hill, Jonathan  
Johnson, Rogers  
Packard, Sherman  
Robertson, Carl

### STRAFFORD

Albert, Russell  
McCarthy, Gerald

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Knowles, William

### SULLIVAN

Phinizy, James  
and the report was adopted.  
Ordered to third reading.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Holden moved that the House reconsider its action whereby it sent to third reading **SB 319**, relative to participation in international lotteries.

Rep. Alukonis spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 53 members having voted in the affirmative and 234 in the negative, the motion failed.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 25, 2002 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SB 337**, relative to consent orders in abuse and neglect cases.

**SB 367**, relative to the guardian ad litem board.

**SB 408**, governing records management of abuse or neglect reports.

**SB 409**, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry.

**SB 433**, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases.

**SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility.

**SB 313**, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage.

**SB 334**, relative to grounds for refusal or denial of hotel accommodations.

**SB 371-FN**, relative to the regulation of manufactured housing parks.

**SB 392**, establishing a committee to study certification of mortgage loan originators.

**SB 404**, changing certain limitations on investment management fees and investments by banks acting as fiduciaries.

**SB 443-FN**, relative to the division of condominiums.

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants.

**SB 386**, relative to automated external defibrillators.

**SB 321-L**, clarifying the right to public education for children of homeless families.

**SB 354**, authorizing foster parents to act as educational advocates for foster children with educational disabilities.

**SB 358**, relative to the authority to assess administrative fines to ophthalmic dispensers.

**SB 381**, relative to the employee benefits of employees of the Pease Development authority.

**SB 412**, relative to the licensure of dietitians.

**SB 439**, relative to the membership of the information technology management advisory board.

**SB 309-FN**, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system.

**SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system.

**SB 435-FN**, requiring the supreme court to establish a mental health court pilot program in the Keene District Court.

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

**SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

**SB 316**, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions.

**SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways.

**SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems.

**SB 451**, relative to the shoreland protection act.

**SB 442**, establishing a committee to study revising the statutes relative to the state militia and the state guard.

**SCR 3**, expressing the fundamental importance of public health to the people of New Hampshire.

**SB 301**, relative to an innovation initiative within the division of economic development.

**SB 415**, relative to the severing of joint tenancies in property by divorce.

**SB 426**, relative to the use of force by persons entrusted with the care of minors in child care settings.

**SB 34**, relative to the process for nonrenewal of teacher contracts.

**SB 395**, making certain changes to the laws pertaining to special education.

**SB 112**, relative to election day registration.

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches.

**SB 423-FN-A**, relative to fees collected by the department of safety and certificates of title.

**SB 455-FN-A**, relative to funding for district and probate court security.

**SB 339**, relative to approval of contingent fee agreements by the courts.

**SB 336**, relative to disclosure of political contributions and expenditures.

**SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education.

**SB 326**, establishing a committee to study the workers' compensation appeals process at the department of labor.

**SB 418-FN**, relative to unemployment compensation.

**SB 410**, relative to large groundwater withdrawals.

**SB 452**, relative to fines for violations of the shoreland protection act.

**SB 453**, relative to setbacks in the shoreland protection act.

**SCR 4**, relative to prescription drug patient assistance programs.

**SB 366**, relative to biennial reports of the public utilities commission.

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications.

**SB 440**, relative to rules for water conservation.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 6:00 p.m.

## RECESS

(Rep. Sloan in the Chair)

## SENATE MESSAGES

## CONCURRENCE

**HB 212-FN**, providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

**HB 1102**, establishing a hazardous waste coordinator certificate program and making an appropriation therefor.

**HB 1112**, relative to the notice period for hearings on excavation permits.

**HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs.

**HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services.



- HB 1190**, relative to a one-year certificate of eligibility to teach.
- HB 1246**, relative to the chairperson of the board of recount in school district recounts.
- HB 1274**, relative to town clerks and deputy town clerks.
- HB 1305-FN**, relative to the pollution prevention program.
- HB 1308**, relative to checklist corrections on election day.
- HB 1336-FN**, permitting wine manufacturers to be issued restaurant licenses.
- HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program.
- HB 1354-FN**, licensing body art practitioners.
- HB 1372-FN**, relative to certain residential care facilities.
- HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees.
- HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission.
- HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.
- HB 1438-FN-A**, relative to registration of health clubs.
- HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor.
- HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund.
- HB 1455-FN-L**, establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.
- HB 1460-FN**, relative to penalties for alcohol- and drug-related offenses.
- HB 1465**, extending the New Hampshire task force on deafness and hearing loss.
- HB 1473-FN-A**, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility.
- HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

### NONCONCURRENCE

- HB 1230-FN**, authorizing the commissioner of the department of education to expend funds for special education advocacy.
- HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards.
- HB 1288**, relative to regular meetings of local planning boards.

### ENROLLED BILL AMENDMENTS

- HB 701**, relative to municipal limitation of renewable energy systems.

#### Amendment (3496 -EBA)

Amend the bill by replacing sections 2-3 with the following:

2 Purposes of Zoning Ordinances. Amend RSA 674:17, I(h)-(i) to read as follows:

(h) To assure proper use of natural resources and other public requirements; ~~and~~

(i) To encourage the preservation of agricultural lands and buildings; ~~and~~

*(j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.*

3 Subdivision Regulations. Amend RSA 674:36, II(i)-(j) to read as follows:

(i) Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; ~~and~~

(j) Include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity; ~~and~~

*Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477.*

Adopted.

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services.

**Amendment (3507-EBA)**

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

Adopted.

**HB 1153**, establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

**Amendment (3437-EBA)**

Amend section 7 of the bill by replacing line 1 with the following:

7 Effective Date. This act shall take effect upon its passage

Adopted.

RECESS

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Thursday, April 25, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God, the Creator of all that is, seen and unseen, we give You grateful thanks for the good earth which You have given us and for the beauty of our beloved New Hampshire. We thank You for wonders too numerous to count: for the beauty of the North Country, the Great Bay and Lake Winnepesaukee, for sugar maples, giant rhododendron, the endangered Greater Marsh Bellflower, for curious black bears, graceful Great Blue Heron and for the shy Common Loons that grace our lakes. Help us to protect, preserve and pass on to future generations the natural order that You have given us for beauty and for life-giving food and resources.

Please bless the work of this honorable House today and be with all those who bravely defend the freedoms we share. Amen.

Rep. David M. Russell led the Pledge of Allegiance.

The National Anthem was sung by Elise Boutin and Julia Puglisi, students from Manchester's Central High School.

**LEAVES OF ABSENCE**

Reps. Balboni, Bishop, Cardin, Chabot, Feuerstein, Jane Kelley, Kobel, Langer, Lefebvre, O'Keefe and Zolla, the day, illness.

Reps. Andosca, Arndt, Batchelder, Bellavance, Bridle, Claire Clarke, Clemons, DeChane, Dewhirst, Dyer, Edwards, Fesh, Karl Gilbert, Hager, Hill, Introne, LaFlamme, Stephen L'Heureux, O'Neil, Owen, Pepino, Rausch, Rice, Rodd, Sweeney, Teschner and Tsiros, the day, important business.

Reps. Flint and Gargas, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Patti Puglisi, former Rep. David Boutin and Janet Boutin, guests of the Speaker. Katya Sullivan and Beth Reed, wife and guest of Rep. Peter Sullivan. Patricia Higgins, guest of the Hanover delegation. Marie Manning, guest of Rep. Manning. Febie Salts, wife of Rep. Salts. Bill Bradley, husband of Rep. Paula Bradley. Sam Slack, son of Rep. Slack. Ruth Ann Williams, Carrie Williams and Kendra Simpson, wife and granddaughters of Rep. Burton Williams. Frankie Sapareto, son of Rep. Sapareto. Ansel Braseth, guest of Rep. Cox.

**REGULAR CALENDAR**

**SUSPENSION OF RULES**

Rep. Kurk and Foster moved that the Rules be so far suspended as to permit reporting after the deadline and consideration at the present time of **SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the motion to suspend the rules.

**YEAS 223 NAYS 71**

**YEAS 223**

**BELKNAP**

Bartlett, Gordon  
Johnson, William  
Thomas, John

Czech, Stanley  
Millham, Alida  
Wood, Jane

Flanders, Donald  
Pilliod, James

Holbrook, Robert  
Russell, David

**CARROLL**

Lyman, L Randy

Mock, Henry

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Espieles, Peter

Avery, Stephen  
Fairbanks, Chandler

Burnham, Daniel  
Liebl, George

Emerson, Susan  
Manning, Joseph

McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Mitchell, McKim  
Roberts, William  
Zerba, Roger

Pratt, Irene  
Slack, Pamela Russell

Pratt, John  
Smith, Edwin

### COOS

Bradley, Paula  
Stohl, Eric

Gallus, John  
Tholl, John Jr

Landers, Dana  
Woodward, David

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Nordgren, Sharon  
Sokol, Hilda

Almy, Susan  
Eaton, Stephanie  
Pawlek, Marion  
Solow, Martha

Benn, Bernard  
Ham, Bonnie  
Scanlan, David  
Ward, Brien

Cobb, John  
Naro, Debra  
Scovner, Nancy  
Williams, Burton

### HILLSBOROUGH

Arnold, Thomas Jr  
Batula, Peter  
Calawa, Leon Jr  
Cote, Peter  
Dokmo, Cynthia  
Eaton, Richard  
Ford, Nancy  
Gorman, Mary  
Guinta, Frank  
Jean, Claudette  
Kurk, Neal  
Leach, Edward  
Melcher, Harold  
Movsesian, Lori  
Rowe, Robert  
Sullivan, Peter  
White, John

Artz, Lawrence  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Elliott, Larry  
Foster, Linda  
Goulet, Maurice  
Haley, Robert  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Sargent, Maxwell  
Tate, Joan  
Williams, Carol

Balcom, John  
Brundige, Robert  
Clayton, William  
Dionne, David  
Drisko, Richard  
Emerton, Lawrence Sr  
Golding, William  
Graham, John  
Hall, Betty  
Kacavas, John  
LaRose, Richard  
Lynde, Harold  
Messier, Irene  
Palangas, Eric  
Schulze, Joan  
Thulander, O Alan

Baroody, Benjamin  
Buckley, Raymond  
Cote, David  
Dionne, Kimberley  
Dwyer, Paul  
Fields, Dennis  
Goley, Jeffrey  
Greenberg, Gary  
Hall, Charles  
Konys, Christine  
Lasky, Bette  
McDonough-Wallace, Alice  
Milligan, Robert  
Peterson, Andrew  
Spiess, Paul  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Cummings, Raymond  
Fraser, Marilyn  
Hess, David  
Maxfield, Roy  
Reardon, Tara  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
Case, Margaret  
Dowling, Patricia  
Gleason, John  
Johnson, Robert  
Letourneau, Robert  
Morse, Charles  
Robertson, Carl  
Stritch, C Donald  
Weyler, Kenneth

Blanchard, MaryAnn  
Clark, Martha Fuller  
Downing, Michael  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Shultis, Elizabeth  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Cooney, Richard  
Flanagan, Natalie  
Hamel, Albert  
Langley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Sloan, Stephen  
Varrell, Thomas

Boynton, James  
Cox, Russell  
Gilbert, Jeffrey  
Henderson, Warren  
Langone, John  
Micklon, Stephanie  
Pitts, Jacqueline  
Stone, Joseph  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Knowles, William

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
Lent, Donald

Brown, Julie  
Ferland, Paul  
Johnson, Nancy  
McCarthy, Gerald

Callaghan, Frank  
Goodwin, Earle  
Kaen, Naida  
Musler, George

Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Proulx, Raymond  
Spang, Judith

Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Harris, Sandra  
Phinizy, James

Burling, Peter  
Jones, Constance  
Robb, Amy

Cloutier, John  
Leone, Richard  
Rodeschin, Beverly

Harris, Joseph  
Odell, Bob

### NAYS 71

### BELKNAP

Boyce, Laurie

Nedeau, Stephen

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Babson, David Jr

Patten, Betsey

Stevens, Stanley

Torressen, Gary

### CHESHIRE

Hunt, John

Royce, H Charles

### COOS

None

### GRAFTON

Alger, John  
Gilman, G Michael  
Sova, Charles

Barker, Robert  
Giuda, Robert

Dudley, Terri  
Marshall, Gene

Gabler, William  
Mirski, Paul

### HILLSBOROUGH

Alukonis, David  
Christiansen, Lars  
Gleneck, David  
Jean, Loren  
Salts, Greg

Bergeron, Jean-Guy  
Clegg, Robert Jr  
Herman, Keith  
Martel, Andre  
Souza, Kathleen

Bruno, Pierre  
Fletcher, Richard  
Holden, Randolph  
McHugh, Claire  
Tahir, Saghir

Christensen, D L Chris  
Furman, Christine  
Hopper, Gary  
Pappas, Marc  
Vaillancourt, Steve

### MERRIMACK

Dunne, Christopher  
Swindlehurst, John

Hutchinson, John  
Whalley, Michael

Leber, William  
Winter, Steven

Soltani, Tony

### ROCKINGHAM

Camm, Kevin  
Dumaine, Dudley  
Holland, James Jr  
Nowe, Ronald  
Quandt, Marshall

Chalbeck, Kevin  
Flanders, John Sr  
Johnson, Rogers  
Power, Lucille  
Quandt, Matthew

Clark, Vivian  
Francoeur, Sheila  
Kelley, William  
Priestley, Anne  
Sapareto, Frank

Corbin, Corey  
Giordano, Ronald  
McKinney, Betsy  
Putnam, Ed II  
Welch, David

### STRAFFORD

Albert, Russell  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

Twombly, James

### SULLIVAN

None

and the motion was adopted by the necessary two-thirds. ' .

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill as amended does five things:

It establishes a committee to study regional schools for at-risk children, which was the purpose of the original bill.

It creates an optional school building aid grant formula which targets more construction aid to needy towns based on median family income and equalized valuation per pupil, but does not decrease the amount of aid that any district would receive under the current distribution formula. The new optional formula takes effect after April 1, 2006, the date by which all municipalities must have certified property reassessments. This alternative building aid program is estimated to cost the general fund \$150,000 in its first year (FY 2007), \$300,000 the next year, \$450,000 the third year and so on, assuming the program does not cause school districts to change their construction plans.

It establishes maximum per square foot construction costs and maximum space standards for new buildings and additions (but not for renovations) effective July 1, 2003. The adoption of such standards was recommended by the September 2001 LBA school construction aid performance audit. These standards should decrease general fund expenditures for building aid by a small but indeterminable amount.

It authorizes high school vo-tech programs which enter into a lease agreement for permanent space to receive school building aid grants under certain circumstances. This could have a small but indeterminable impact on general fund expenditures.

It establishes an early learning and literacy program that, as HB 757, has already passed the House Education Committee, the House Finance Committee and the full House with very strong affirmative votes. Since the Senate has substantially modified HB 757, the committees believe the House should re-state its strong support for its original position. Vote 17-0.

### Amendment (3616h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study alternative regional public school programs for children who are at-risk, relative to the formula for distributing school building aid grants, permitting high school vocational technical education programs which lease space to be eligible for school building aid grants, and establishing an early literacy and reading improvement program, and making an appropriation therefor.

Amend RSA 198:15-u, I as inserted by section 8 of the bill by replacing it with the following:

I. "Median family income" means that income for each municipality using the most recent data available from the United States Bureau of the Census.

Amend RSA 198:15-v, II and III as inserted by section 8 of the bill by replacing them with the following:

II.(a) The amount of the annual grant in this subdivision shall be a sum equal to a percentage of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, for all approved costs of construction or purchase of school buildings and school administrative unit facilities, for which loans are approved after April 1, 2006 according to the following table:

Building Aid Factor	Single District	Preexisting District in a Cooperative School District, A.R.E.A. School, or Joint Maintenance Agreement
0-59	60 percent	60 percent
60-69	55 percent	60 percent
70-89	45 percent	55 percent
90-114	40 percent	50 percent
115 or greater	30 percent	40 percent

(b) The percentage once determined for a particular borrowing shall not thereafter be subject to change.

III. A cooperative school district, receiving district operating an A.R.E.A. school, or joint maintenance agreement grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipality which has entered into the agreement and multiplying this percentage by each municipality's percentage of annual building aid eligibility under paragraph II of this section. This product shall be multiplied by the projected cost of the building project. The sum of the resulting products shall be the annual building aid grant for the cooperative school district, A.R.E.A. school, or joint maintenance agreement.

Amend the bill by replacing all after section 8 with the following:

9 School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, IV(c) to read as follows:

(c) Planning, construction, or both, of additions to existing buildings [~~to provide additional pupil capacity~~].

10 New Paragraph; School Building Aid; Cost and Size Standards. Amend RSA 198:15-b by inserting after paragraph VI the following new paragraph;

VII. In this paragraph, "new construction" means additional square footage but shall not mean the renovation of school buildings or school administrative unit facilities. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w.

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings or school administrative unit facilities, less site acquisition costs, qualifying for school building aid. These standards shall take into account the type, size, and location of the school or school administrative unit facility and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot.

(b) Maximum size standards for new construction shall be as follows:

(1) Maximum gross square footage per pupil:

Elementary school	120
Middle or junior high school	140
Senior high school	160

(2) Maximum usable site size for new schools:

Elementary School	20 acres plus 1 acre for each 100 pupils
Middle or junior high school	25 acres plus 1 acre for each 100 pupils
Senior high school	30 acres plus 1 acre for each 100 pupils

(c) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project, shall not exceed the cost that would result if the project conformed to the maximum cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(d) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

11 School Building Aid; High School Vocational Technical Education Programs. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, *and to meet the costs of leasing permanent space in a building or buildings which are used for the operation of a high school vocational technical education program* the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision.

12 New Section; School Building Aid; Grants for High School Vocational Technical Education Programs. Amend RSA 198 by inserting after section 15-h the following new section:

198:15-i Annual Grant for Leased Space.

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of leasing permanent space in a building or buildings located outside of the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education, provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each

sending district, in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent. Such lease agreements shall be eligible for grants under this section, provided all of the following conditions apply:

(a) A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, which receives grants under this section shall remain eligible to apply for, receive, and expend moneys from other state or federal sources made available for the purpose of purchasing new equipment, materials, or supplies necessary for the operation of the program. Moneys received from such other state or federal sources shall not be used to make permanent upgrades or renovations to the leased space.

(b) A lease agreement for permanent space shall be adopted in the same manner as required by law for the passage of construction bonds in the school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1.

(c) An initial lease agreement for a term of 10 years or less shall be eligible to receive grants under this section. Upon renewal, a lease agreement may remain eligible to receive grants, provided the commissioner of the department of education determines that the lease agreement represents an efficient use of state and local resources.

(d) In any fiscal year where the state pays a pro rata share of school building aid grants, the state shall pay the same pro rata share for lease agreements approved under this section.

II. Lease agreements for the use of portable or modular classroom space shall not be eligible for grants.

III. A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, shall submit details of the lease arrangement, including a copy of the proposed lease agreement, in writing to the state board of education on such forms as the state board may prescribe. Grant applications for leased space shall be submitted before January 1 of each year in order to be eligible for grants in the fiscal year following the year of submittal. The state board of education shall, no later than August 1, 2002, adopt rules pursuant to RSA 541-A, relative to procedures for grant applications for leased space.

13 Department of Education; School Building Aid Information. No later than January 1, 2003, the commissioner of the department of education shall provide to the general court and the governor, information from the most recent 5 years detailing the total square footage of school construction projects for which school building aid grants were disbursed categorized by existing building size, size of the addition, new building size, and in each case the type of school and number of pupils served.

14 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

#### CHAPTER 193-G

##### EARLY LITERACY AND READING IMPROVEMENT

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate public elementary and secondary education, it is essential that by the end of grade 3 virtually every child is reading independently at grade level. Therefore, the general court enacts a program of professional development and support for those who impact the child's reading skill: parents and early child care providers who prepare young children for reading, and primary school teachers.

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.
- IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.
- V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.
- VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.
- VII. "Early childhood specialist" means an experienced teacher who, by virtue of specialized training, appropriate experience, and demonstrated success, has the knowledge and skills necessary to provide early learning and reading assistance to other individuals.
- VIII. "Primary caregivers" means parents, guardians, or others with primary responsibility for the child.



193-G:3 Comprehensive Early Literacy and Reading Improvement Program; Policy. It shall be the policy of this state to provide outcome-proven programs of support and education to primary caregivers, early child care providers, and primary school teachers and administrators that shape the language and literacy development of children through a comprehensive, coordinated, early literacy and reading improvement program which shall:

I. Provide primary caregivers with an outcome-proven program of information and support including the key elements of the young child's developing early literacy knowledge and skills.

II. Provide to early childhood providers:

(a) An outcome-proven program of instruction and support in the developing literacy of pre-school children delivered by early childhood specialists.

(b) Scholarships to participate in college credit courses in the development of early literacy in pre-school children.

III. Provide primary school teachers and administrators with structured, outcome-proven, school-wide professional development in reading instruction through the use of intensive summer institutes, regional meetings, and reading specialists who will provide follow-up activities and continuous technical assistance during the school year. Participating teachers will receive training and materials to implement baseline and checkpoint reading assessments on an individual basis in grades 1 and 2.

IV. Involve institutions of higher education in partnerships to:

(a) Better prepare new teachers to utilize outcome-proven early literacy knowledge and skills and deliver outcome-proven reading instruction.

(b) Coordinate opportunities for local school districts, institutions of higher education, early child care providers, and primary caregivers to work together to deliver high-quality, outcome-proven reading instruction to primary school children as well as provide research-based support for the development of early literacy in preschool children.

193-G:4 Early Literacy and Reading Improvement Program Established.

I. There is hereby established an early literacy and reading improvement program in the department of education. This program shall provide education and support to primary caregivers of young children, early child care providers and primary school teachers and administrators in developmentally appropriate literacy instruction. Beginning July 1, 2003, approximately equal parts of any funds appropriated shall be used to support the provisions of RSA 193-G:3, I-III.

II. The program shall design and implement a structured observation program to determine the extent to which pupils at earlier ages are making progress toward reading at grade level by the end of grade 3; determine if pupils at the end of grade 3 are reading at grade level by implementing an assessment instrument developed by the department and approved by the state board of education; and provide early literacy and reading improvement assistance, including grants, to local school districts. The program shall also develop, provide, and evaluate outcome-proven programs and courses established in RSA 193-G:3, I-III, and shall provide technical assistance and professional development activities through grants, contracts with consultants, and the employment of individuals to fill authorized, program-related positions.

III. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter, grants to local school districts shall be used to address the areas specified in RSA 193-G:3, as well as other demonstrated needs related directly to early literacy and the improvement of reading. The administration of the early literacy and reading improvement grant program involves the following:

(a) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(1) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance for both primary school professional development and preschool or caregiver components; and the further opportunity to apply for additional assistance based on demonstrated need.

(2) An assurance that grant funds will be used only to supplement and not supplant ongoing local efforts.

(3) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the program, institutions of higher education, early child care providers, and primary caregivers.

(4) A delineation of the geographic area to be served by the project.

(b) Providing assistance to districts in the development of grant requests.

(c) Establishing an equitable grant review process that:

(1) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(2) Gives priority to districts with lower-performing schools in reading that have satisfactorily addressed the review criteria in subparagraph (1) and are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(d) Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(e) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(f) Monitoring the implementation of funded plans and activities.

(g) Evaluating the educational impact of the programs established in RSA 193-G:3, I-III on:

(1) Parent and early childhood provider understanding of child development concepts.

(2) Adult-child interactions in early childhood programs, as well as the phonological awareness, development of vocabulary, access to books and appropriate reading and writing opportunities, and understanding of print concepts of children in early childhood programs.

(3) Reading skill and comprehension in primary school students.

193-G:5 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2004, adopt rules relative to the administration of the early literacy and reading improvement program established in RSA 193-G:3 and RSA 193-G:4.

193-G:6 Early Learning Oversight Committee Established.

I. An early learning oversight committee shall be established and shall consist of the following members:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the senate president.

(c) Three members of the public appointed by the governor, 2 of whom shall serve a 2-year term, and one of whom shall serve a 3-year term.

(d) Two members of the public, appointed by the speaker of the house, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

(e) Two members of the public, appointed by the senate president, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

II. Legislative members of the committee shall serve a term of office coterminous with their membership in the general court.

III. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the commission.

193-G:7 Duties.

I. The duties of the early learning oversight committee shall be to:

(a) Examine administrative models in place in New Hampshire and in other states to determine the most effective administrative structure and oversight to assure the effective implementation of the early literacy and reading programs funded in this act.

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be consistent with the committee's determinations in subparagraphs (a) and (b).

(d) Oversee the outcome-proven early literacy and reading improvement programs established in RSA 193-G:3, I-III, including the impact of each program on the improvement of reading skills and comprehension of students in low-performing schools.

(e) Oversee the effect of each early literacy and reading improvement program established in RSA 193-G:3, I-III on the improvement of reading skill and comprehension of students in low-performing schools and early literacy and language skills of children in child care settings in the region of the schools.

II. The department of education shall provide administrative oversight and support to the committee.

193-G:8 Report. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the state library, and the governor on or before November 1 of each year.

**15 Appropriation; Positions Established.**

I. The sum of \$485,349 for the biennium ending June 30, 2003 is hereby appropriated to the department of education to be used for the purposes set forth in this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The department of education is hereby authorized to establish one program administrator position at labor grade 28, one education consultant position at labor grade 27, and one program assistant position, at labor grade 12 from funds appropriated in this act.

III. Funds appropriated in this section shall be used for the salary, benefits, equipment, and current expenses resulting from the new positions established in this act, to develop and implement the end of grade 3 reading assessment required in RSA 193-G:4, II, and to implement the early literacy and reading improvement program as set forth in RSA 193-G:4.

**16 Effective Date.**

I. Section 10 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill:

I. Establishes a committee to study alternative regional public school programs for children who are at-risk.

II. Creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

III. Establishes maximum cost and maximum size standards for the purpose of construction or purchase of school buildings or school administrative units.

IV. Authorizes high school vocational technical education programs which enter into a lease agreement for permanent space to receive school building aid grants under certain circumstances.

V. Establishes an early literacy and reading improvement program and makes an appropriation of \$485,349 for the biennium ending June 30, 2003.

Adopted.

The question is now on adoption of the committee report.

Rep. Soya inquired if Sections 6 through 13 of the bill could be divided.

The Speaker ruled that the bill was divisible and that without objection, Sections 6-13 would be considered at the present time.

Rep. Soya spoke against.

Rep. Ward spoke in favor and yielded to questions.

Sections 6 through 13 adopted.

Rep. Alger inquired if Sections 14 and 15 of the bill could be divided.

The Speaker ruled that the bill was divisible and that without objection, Sections 14 and 15 would be considered at the present time.

Rep. Alger spoke against and yielded to questions.

Rep. Linda Foster spoke in favor.

Rep. Souza spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Alger requested a roll call; sufficiently seconded.

The question being adoption of Sections 14 and 15.

**YEAS 225 NAYS 102**

**YEAS 225**

**BELKNAP**

Flanders, Donald  
Nedeau, Stephen

Holbrook, Robert  
Pilliod, James

Johnson, William  
Wood, Jane

Millham, Alida

**CARROLL**

Bradley, Jeb

Kenney, Joseph

Philbrick, Donald

Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
McGuirk, Paul  
Pratt, John  
Smith, Edwin

Avery, Stephen  
Fairbanks, Chandler  
Meador, David  
Richardson, Barbara  
Weed, Charles

Burnham, Daniel  
Hunt, John  
Mitchell, McKim  
Royce, H Charles  
Zerba, Roger

Emerson, Susan  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela Russell

**COOS**

Bradley, Paula  
Landers, Dana

Davis, Perley  
Stohl, Eric

Gallus, John  
Woodward, David

Guay, Lawrence

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Nordgren, Sharon  
Sokol, Hilda

Almy, Susan  
Gabler, William  
Pawlek, Marion  
Solow, Martha

Benn, Bernard  
Ham, Bonnie  
Scanlan, David  
Ward, Brien

Cooney, Mary  
Naro, Debra  
Scovner, Nancy

**HILLSBOROUGH**

Allan, Nelson  
Bergin, Peter  
Calawa, Leon Jr  
Cote, Peter  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Ginsburg, Ruth  
Guinta, Frank  
Jean, Claudette  
Kurk, Neal  
Leach, Edward  
McDonough-Wallace, Alice  
Movsesian, Lori  
Peterson, Andrew  
Shaw, Barbara  
Thulander, O Alan  
Williams, Carol

Balcom, John  
Bouchard, David  
Carlson, Donald  
Dionne, David  
Drisko, Richard  
Fields, Dennis  
Goley, Jeffrey  
Haley, Robert  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Melcher, Harold  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Baroody, Benjamin  
Brundige, Robert  
Clayton, William  
Dionne, Kimberley  
Eaton, Richard  
Ford, Nancy  
Gorman, Mary  
Hall, Betty  
Kacavas, John  
LaRose, Richard  
Lynde, Harold  
Mercer, Robert  
Palangas, Eric  
Sargent, Maxwell  
Sullivan, Peter  
Wheeler, Robert

Batula, Peter  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Elliott, Larry  
Foster, Linda  
Graham, John  
Hall, Charles  
Konys, Christine  
Lasky, Bette  
Martin, Mary Ellen  
Messier, Irene  
Panagopoulos, Nicholas  
Schulze, Joan  
Tate, Joan  
White, John

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Reardon, Tara  
Yeaton, Charles

Brewster, Richard  
Cummings, Raymond  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Rush, Deanna

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

**ROCKINGHAM**

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dalrymple, Janeen  
Downing, Michael  
Gilbert, Jeffrey  
Henderson, Warren  
Katsakiores, Phyllis  
Morse, Charles  
Robertson, Carl  
Sloan, Stephen  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Dearborn, Bruce  
Dumaine, Dudley  
Giordano, Ronald  
Holland, James Jr  
Langone, John  
Norelli, Terie  
Ruffner, Walter  
Splaine, James  
Welch, David

Carson, Sharon  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
McGuire, Robert  
Pantelakos, Laura  
Sapareto, Frank  
Stritch, C Donald  
Whittier, John

Case, Margaret  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Trueman, Raymond

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Robb, Amy	Rodeschin, Beverly	

**NAYS 102****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Quimby, Lee	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Liebl, George	Roberts, William
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**COOS**

Horton, Lynn	Pratt, Leighton	Tholl, John Jr
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**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Sova, Charles	Williams, Burton		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Bergeron, Jean-Guy
Bruno, Pierre	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dwyer, Paul	Fletcher, Richard
Furman, Christine	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Lessard, Rudy	Martel, Andre	McHugh, Claire
Milligan, Robert	Moran, Edward	Pappas, Marc	Reeves, Sandra
Salts, Greg	Souza, Kathleen	Tahir, Saghir	

**MERRIMACK**

Dunne, Christopher	Hess, David	Hutchinson, John	Kennedy, Richard
Leber, William	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

**ROCKINGHAM**

Belanger, Ronald	Boynnton, James	Camm, Kevin	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Francoeur, Sheila	Hamel, Albert
Itse, Daniel	Johnson, Rogers	Kelley, William	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Varrell, Thomas	Weyler, Kenneth		

**STRAFFORD**

Albert, Russell  
Woods, Phyllis

Cossette, Larry

Harrington, Michael

Twombly, James

**SULLIVAN**

None

and Sections 14 and 15 were adopted.

The question now being adoption of the remainder of the bill.

Adopted.

Ordered to third reading.

**SUSPENSION OF THE RULES**

Rep. Kurk and Foster moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk.

On a division vote, 249 members having voted in the affirmative and 78 in the negative, the motion was adopted by the necessary two-thirds.

**THIRD READING MOTION ON SB 352**

Rep. Scanlan moved that **SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk, be read a third time by this resolution, and that its title be the same as adopted, and that it be passed at the present time.

Adopted.

**Third reading and final passage**

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk.

**RULES SUSPENSION**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit Committees of Conference meetings without the 24-hour advance posting.

Reps. Herman and Burling spoke in favor.

Rep. Soltani spoke against.

On a division vote, 218 members having voted in the affirmative and 108 in the negative, the motion was adopted by the necessary two-thirds.

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 179-FN**, relative to the scope of RSA 169-B, the juvenile delinquency statute. (Amendment printed SJ 04/16/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases. (Amendment printed SJ 04/11/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 661**, relative to hearing timelines in abuse and neglect cases. (Amendment printed SJ 04/18/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 706**, relative to mediation in superior court cases involving children. (Amendment printed SJ 04/18/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 1299-FN**, establishing a committee to study the creation of a marriage education and enhancement program. (Amendment printed SJ 04/18/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 1139**, allowing the governor to enter into reciprocal international child support agreements. (Amendment printed SJ 04/10/02)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders. (Amendment printed SJ 04/16/02)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lyman, Bickford, Gile and Furman.

**HB 1217**, relative to payment of trust income. (Amendment printed SJ 04/18/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. (Amendment printed SJ 04/16/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1467-FN**, relative to the cost of vaccines. (Amendment printed SJ 04/18/02)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1413**, relative to disclosure of information by hospitals. (Amendment printed SJ 04/18/02)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, L. Fraser, Taylor and Batula

**HB 1429**, relative to the scope of the consumer protection act. (Amendment printed SJ 04/18/02)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, L. Fraser, Batchelder and Dyer.

**HB 672**, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency. (Amendments printed SJ 04/18/02)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Rep. Marshall Quandt spoke against and yielded to questions.

Rep. Crosby requested a roll call; sufficiently seconded.

The question being adoption of the motion to nonconcur and request a Committee of Conference.

## YEAS 161 NAYS 165

### YEAS 161

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Flanders, Donald  
Rosen, Ralph

#### CARROLL

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

#### CHESHIRE

Avery, Stephen  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

Hunt, John  
Smith, Edwin

### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Furman, Christine	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Hall, Charles	Herman, Keith
Jean, Loren	Kurk, Neal	L'Heureux, Robert	Lessard, Rudy
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Reeves, Sandra	Rowe, Robert	Salts, Greg
Souza, Kathleen	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert		

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	Lockwood, Priscilla	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Belanger, Ronald	Boynton, James	Camm, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Holland, James Jr	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Priestley, Anne	Reardon, Neil
Robertson, Carl	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Albert, Russell	Cossette, Larry	Dunlap, Patricia	Harrington, Michael
McCarthy, Gerald	Musler, George	Reid, Christopher	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 165****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Babson, David Jr

**CHESHIRE**

Allen, Peter	Burnham, Daniel	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			



**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

**HILLSBOROUGH**

Baroody, Benjamin	Batula, Peter	Bergin, Peter	Buckley, Raymond
Clayton, William	Cote, David	Cote, Peter	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Elliott, Larry	Ford, Nancy	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Guinta, Frank	Haley, Robert	Hall, Betty	Holden, Randolph
Hopper, Gary	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Messier, Irene
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Sargent, Maxwell	Schulze, Joan
Shaw, Barbara	Spieß, Paul	Sullivan, Peter	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Jacobson, Alf	Leber, William	MacKay, James	Maxfield, Roy
Moore, Carol	Perkins, Randy	Potter, Frances	Reardon, Tara
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cox, Russell	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Langlely, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Moore, Benjamin	Norelli, Terie	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Ruffner, Walter	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Estabrook, Iris	Goodwin, Earle	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James
Robb, Amy			

and the motion failed.

Rep. Linda Foster moved that the House concur with the Senate amendment.

On a division vote, 187 members having voted in the affirmative and 140 in the negative, the motion was adopted.

**SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 134**, permitting challenges to judges.

The President appointed Sens. Gordon, Pignatelli and Roberge.

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults.

The President appointed Sens. Gordon, Fernald and Roberge.

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts.

The President appointed Sens. Roberge, Francoeur and O'Neil.

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee.

The President appointed Sens. Prescott, Klemm and Cohen.

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

The President appointed Sens. Roberge, Francoeur and Larsen.

**HB 1277**, increasing the optional veterans' property tax credit.

The President appointed Sens. Gatsas, Francoeur and O'Neil.

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

The President appointed Sens. Disnard, Gordon and Gatsas.

**HCR 28**, urging increased federal funding for quality breast cancer research.

The President appointed Sens. Wheeler, O'Hearn and Roberge.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. (Amendments printed SJ 04/11/02 and 04/16/02)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Knowles, Kurk, Nedeau and Stevens.

**HB 1433**, prohibiting intoxication and constructive possession of alcohol by minors. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tholl, Stevens, Nedeau and Knowles.

**HB 1365-FN**, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rogers Johnson, Kurk, Herman and Knowles.

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Amendment printed SJ 04/16/02)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tholl, Almy, Stevens and Knowles.

**HB 447**, establishing a task force on family law. (Amendment printed SJ 04/18/02)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Moran, Mock, John Pratt and Stone.

**HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor. (Amendment printed SJ 04/11/02)

Rep. Henderson moved that the House nonconcur and request a Committee of Conference.

Rep. Henderson spoke in favor and yielded to questions.

Adopted.

The Speaker appointed Reps. Henderson, Ward, Kurk and Estabrook.

**HB 589**, relative to eligibility for unemployment benefits for part-time workers. (Amendments printed SJ 04/11/02 and 04/18/02)

Rep. Gilman moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Corbin, Bridle and Goley.

**HB 1194**, relative to medical records. (Amendment printed SJ 04/18/02)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Batula, Hunt, Kurk and Burnham.

**HB 1478-FN-A**, relative to public health emergency preparation and response. (Amendments printed SJ 04/11/02)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Batula, MacKay, Herman and Sandra Harris.

**HB 1311**, relative to certain mental health records and establishing a committee to study the protection of certain medical information. (Amendment printed SJ 04/18/02)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Loren Jean, Wall and Dudley.

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. (Amendments printed SJ 04/18/02)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jacobson, Phyllis Woods, Loren Jean and Franklin.

**HB 1348**, clarifying the law regarding title-exempted vehicles. (Amendment printed SJ 04/18/02)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Rep. McGuirk spoke against.

Reps. Stohl, McGuire and Royce spoke in favor.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being adoption of the motion to nonconcur and request a Committee of Conference.

## YEAS 146 NAYS 157

### YEAS 146

#### BELKNAP

Bartlett, Gordon  
Lawton, David

Czech, Stanley  
Nedeau, Stephen

Flanders, Donald  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

#### CARROLL

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

#### CHESHIRE

Avery, Stephen  
Royce, H Charles

Fairbanks, Chandler

Hunt, John

Manning, Joseph

#### COOS

Bradley, Paula  
Rozeck, Michael

Davis, Perley  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Akins, Ralph  
Marshall, Gene  
Ward, Brien

Cobb, John  
Mirski, Paul

Dudley, Terri  
Scanlan, David

Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Alukonis, David  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Fletcher, Richard  
Goley, Jeffrey  
Herman, Keith  
L'Heureux, Robert  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Tate, Joan

Arnold, Thomas Jr  
Bragdon, Peter  
Christensen, D L Chris  
Coughlin, Pamela  
Ford, Nancy  
Graham, John  
Holden, Randolph  
LaRose, Richard  
McRae, Karen  
Palangas, Eric  
Rowe, Robert  
Thulander, O Alan

Artz, Lawrence  
Brundige, Robert  
Christiansen, Lars  
Dionne, David  
Furman, Christine  
Haley, Robert  
Jean, Loren  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Shaw, Barbara  
Vaillancourt, Steve

Batula, Peter  
Calawa, Leon Jr  
Clayton, William  
Fields, Dennis  
Golding, William  
Hall, Charles  
Kurk, Neal  
Martel, Andre  
Messier, Irene  
Peterson, Andrew  
Souza, Kathleen  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Leber, William  
Winter, Steven

Colcord, J D  
Greco, Vincent  
MacKay, James

Cummings, Raymond  
Hess, David  
Swindlehurst, John

Davis, Frank  
Hutchinson, John  
Whalley, Michael

**ROCKINGHAM**

Belanger, Ronald  
Chalbeck, Kevin  
Dalrymple, Janeen  
Francoeur, Sheila  
Henderson, Warren  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Sloan, Stephen  
Welch, David

Boynton, James  
Cooney, Richard  
Dowling, Patricia  
Gilbert, Jeffrey  
Itse, Daniel  
Major, Norman  
Nowe, Ronald  
Robertson, Carl  
Stone, Joseph

Camm, Kevin  
Corbin, Corey  
Dumaine, Dudley  
Giordano, Ronald  
Kelley, William  
McGuire, Robert  
Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald

Carson, Sharon  
Cox, Russell  
Flanders, John Sr  
Gleason, John  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Sapareto, Frank  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Musler, George

Cossette, Larry  
Reid, Christopher

Ferland, Paul  
Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

**NAYS 157****BELKNAP**

Boyce, Laurie  
Russell, David

Johnson, William  
Wendelboe, Fran

Millham, Alida

Pilliod, James

**CARROLL**

Babson, David Jr

Torressen, Gary

**CHESHIRE**

Allen, Peter  
Liebl, George  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Emerson, Susan  
Meador, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Roberts, William

**COOS**

Gallus, John	Guay, Lawrence	Landers, Dana
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**GRAFTON**

Alger, John	Almy, Susan	Benn, Bernard	Gabler, William
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Baroody, Benjamin	Bergeron, Jean-Guy	Bergin, Peter
Bruno, Pierre	Buckley, Raymond	Cote, David	Cote, Peter
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Foster, Linda	Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice
Hall, Betty	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Milligan, Robert	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Panagopoulos, Nicholas	Sargent, Maxwell
Schulze, Joan	Spiess, Paul	Sullivan, Peter	Tahir, Saghir
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Daneault, Gabriel
Fraser, Leo Jr	French, Barbara	Jacobson, Alf	Kennedy, Richard
Lockwood, Priscilla	Moore, Carol	Perkins, Randy	Potter, Frances
Rush, Deanna	Soltani, Tony	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Hamel, Albert	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Langone, John	Norelli, Terie
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Reardon, Neil	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Weyler, Kenneth	Whittier, John	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James		

and the motion failed.

Rep. Herman moved to nonconcur and spoke in favor.

Rep. McGuirk spoke against.

Rep. Herman withdrew his motion.

Rep. McGuirk moved to concur.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the motion to concur with the Senate amendment.

**YEAS 192 NAYS 112****YEAS 192  
BELKNAP**

Boyce, Laurie  
Russell, David

Johnson, William  
Wendelboe, Fran

Millham, Alida

Pilliod, James

**CARROLL**

Bradley, Jeb  
Quimby, Lee

Kenney, Joseph  
Torressen, Gary

Patten, Betsey

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Roberts, William

Avery, Stephen  
Liebl, George  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Emerson, Susan  
Meader, David  
Richardson, Barbara

**COOS**

Bradley, Paula  
Landers, Dana

Gallus, John

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Gabler, William  
Sokol, Hilda

Alger, John  
Marshall, Gene  
Solow, Martha

Almy, Susan  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Pawlek, Marion

**HILLSBOROUGH**

Allan, Nelson  
Bruno, Pierre  
Dionne, Kimberley  
Dwyer, Paul  
Fletcher, Richard  
Golding, William  
Hall, Betty  
Kacavas, John  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Schulze, Joan  
Tahir, Saghir

Baroody, Benjamin  
Buckley, Raymond  
Dokmo, Cynthia  
Eaton, Richard  
Foster, Linda  
Gorman, Mary  
Hopper, Gary  
Keye, Harvey  
Lasky, Bette  
Martel, Andre  
Messier, Irene  
O'Connell, Timothy  
Shaw, Barbara  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Cote, David  
Drabinowicz, A Theresa  
Elliott, Larry  
Furman, Christine  
Goulet, Maurice  
Jean, Claudette  
Konys, Christine  
Leach, Edward  
Martin, Mary Ellen  
Milligan, Robert  
Panagopoulos, Nicholas  
Spiess, Paul  
White, John

Bergin, Peter  
Cote, Peter  
Drisko, Richard  
Fields, Dennis  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
McDonough-Wallace, Alice  
Movsesian, Lori  
Sargent, Maxwell  
Sullivan, Peter  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Cummings, Raymond  
French, Barbara  
Leber, William  
Potter, Frances  
Wallner, Mary Jane

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Lockwood, Priscilla  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
Jacobson, Alf  
Moore, Carol  
Soltani, Tony

Burney, Carol  
Fraser, Leo Jr  
Kennedy, Richard  
Perkins, Randy  
Swindlehurst, John

**ROCKINGHAM**

Blanchard, MaryAnn  
Clark, Martha Fuller  
Downing, Michael  
Griffin, Mary  
Katsakiores, George  
Nowe, Ronald

Bowles, Raimond  
Clark, Vivian  
Flanagan, Natalie  
Hamel, Albert  
Langley, Jane  
Pitts, Jacqueline

Boynton, James  
Coes, Betsy  
Gilbert, Jeffrey  
Johnson, Robert  
Langone, John  
Putnam, Ed II

Case, Margaret  
DiFruscia, Anthony  
Gleason, John  
Johnson, Rogers  
Norelli, Terie  
Quandt, Marshall

Quandt, Matthew  
Shultis, Elizabeth  
Varrell, Thomas

Reardon, Neil  
Sloan, Stephen  
Weatherspoon, Jacquelyne

Robertson, Carl  
Splaine, James  
Weyler, Kenneth

Sapareto, Frank  
Trueman, Raymond  
Whittier, John

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Woodill, Rodney

Brown, Julie  
Estabrook, Iris  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Ferland, Paul  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Twombly, James

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

### NAYS 112

### BELKNAP

Bartlett, Gordon  
Lawton, David

Czech, Stanley  
Nedeau, Stephen

Flanders, Donald  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

### CARROLL

Babson, David Jr  
Sullivan, P Judith

Dickinson, Howard

Mock, Henry

Stevens, Stanley

### CHESHIRE

Fairbanks, Chandler

Hunt, John

Manning, Joseph

Royce, H Charles

### COOS

Davis, Perley  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Rozek, Michael

Stohl, Eric

### GRAFTON

Cobb, John  
Scanlan, David

Dudley, Terri  
Scovner, Nancy

Giuda, Robert  
Sova, Charles

Mirski, Paul  
Ward, Brien

### HILLSBOROUGH

Alukonis, David  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Ford, Nancy  
Herman, Keith  
Lessard, Rudy  
Moran, Edward  
Reeves, Sandra  
Thulander, O Alan

Arnold, Thomas Jr  
Bragdon, Peter  
Christensen, D L Chris  
Coughlin, Pamela  
Goley, Jeffrey  
Holden, Randolph  
McHugh, Claire  
Palangas, Eric  
Rowe, Robert  
Wheeler, Robert

Artz, Lawrence  
Brundige, Robert  
Christiansen, Lars  
Dionne, David  
Graham, John  
Jean, Loren  
McRae, Karen  
Pappas, Marc  
Souza, Kathleen

Batula, Peter  
Calawa, Leon Jr  
Clayton, William  
Emerton, Lawrence Sr  
Hall, Charles  
Kurk, Neal  
Mercer, Robert  
Peterson, Andrew  
Tate, Joan

### MERRIMACK

Colcord, J D  
MacKay, James

Dunne, Christopher  
Whalley, Michael

Hess, David  
Winter, Steven

Hutchinson, John

### ROCKINGHAM

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Giordano, Ronald  
Kelley, William

Camm, Kevin  
Corbin, Corey  
Dumaine, Dudley  
Henderson, Warren  
Letourneau, Robert

Carson, Sharon  
Cox, Russell  
Flanders, John Sr  
Itse, Daniel  
Major, Norman

Chalbeck, Kevin  
Dalrymple, Janeen  
Francoeur, Sheila  
Katsakiores, Phyllis  
McGuire, Robert

McKinney, Betsy  
Priestley, Anne  
Welch, David

Morse, Charles  
Ruffner, Walter

Packard, Sherman  
Stone, Joseph

Palermo, Diane  
Stitch, C Donald

### STRAFFORD

Albert, Russell  
Woods, Phyllis

Harrington, Michael

Musler, George

Reid, Christopher

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

and the motion to concur was adopted.

## SENATE MESSAGES (CONT'D.)

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 617**, relative to additional exceptions to junk yard regulation. (Amendment printed SJ 04/16/02)  
Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Twombly, William Johnson, Dumaine and Mary Cooney.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons. (Amendments printed SJ 04/10/02 and 04/16/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Brundige, Fairbanks, Griffin and Marilyn Fraser.

**HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Twombly, William Johnson, Dumaine and Mary Cooney.

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Brundige, Griffin, Fairbanks and Marilyn Fraser.

**HB 1344-L**, establishing a village plan alternative subdivision in zoning and land use planning laws. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Brundige, Lockwood, Twombly and Nancy Johnson.

**HB 1410-L**, ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Patten, Clegg, Daneault and Lockwood.

**HB 1298**, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex. (Amendments printed SJ 04/11/02)

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Morse, Graham, Calawa and Candace Bouchard.

**HB 2000**, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass. (Amendments printed SJ 04/18/02)

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Edwin Smith, Calawa, Morse and Cloutier.



**HB 1172**, relative to the adoption of rules for certain wetland permits. (Amendments printed SJ 04/10/02)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Odell, Gallus, Chris Christensen and Spang.

**HB 1235**, relative to operation of motorized vessels and safe boater education. (Amendments printed SJ 04/18/02)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Royce, Vivian Clark, Spang and Gallus.

**HB 1273-FN**, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Amendments printed SJ 04/16/02 and 04/18/02)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Royce, Major, Odell and McGuire.

**HB 1406**, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act. (Amendments printed SJ 04/18/02)

Rep. Avery moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Avery, Coughlin, Edwin Smith and Heon.

**HB 1134**, relative to lighting requirements for motor vehicles and trailers. (Amendment printed SJ 04/18/02)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, Letourneau, Peter Cote and Wheeler.

**HB 213-FN**, establishing a study committee on education property tax hardship relief. (Amendments printed SJ 04/11/02 and 04/18/02)

Rep. Alukonis moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sapareto, Weyler, Patten and Almy.

**HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax. (Amendments printed SJ 04/11/02 and 04/18/02)

Rep. Alukonis moved that the House concur, spoke in favor and yielded to questions.

Rep. Konys spoke in favor.

Adopted.

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax. (Amendments printed SJ 04/11/02 and 04/16/02)

Rep. Alukonis moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Jeffrey Gilbert, Major and Almy.

**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education. (Amendments printed SJ 04/16/02)

Rep. Alukonis moved that the House nonconcur and request a Committee of Conference.

Rep. Norelli spoke against.

Rep. Alukonis spoke in favor.

On a division vote, 150 members having voted in the affirmative and 143 in the negative, the motion was adopted.

The Speaker appointed Reps. Alukonis, Whalley, Dickinson and Downing.

**HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 678**, relative to notice of release of an inmate from state prison. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 768-FN**, relative to DNA testing of criminal offenders. (Amendments printed SJ 04/11/02 and 04/16/02)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House concur.

Rep. Tholl spoke in favor.

Adopted.

**HB 1108**, relative to administrative license suspension hearings. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House nonconcur and spoke in favor.

Adopted.

**HB 1137**, relative to the crime of resisting arrest. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House nonconcur.

Rep. Tholl spoke in favor.

Adopted.

**HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. (Amendment printed SJ 04/16/02)

Rep. Welch moved that the House nonconcur and spoke in favor.

Adopted.

**HB 1356-FN**, establishing the criminal offense of felony pursuit. (Amendment printed SJ 04/16/02)

Rep. Welch moved that the House concur.

Rep. Tholl spoke in favor.

Adopted.

**HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. (Amendment printed SJ 04/16/02)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. (Amendment printed SJ 04/18/02)

Rep. Welch moved that the House nonconcur.

Rep. Tholl spoke in favor.

Adopted.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. (Amendment printed SJ 04/16/02)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 415**, relative to the severing of joint tenancies in property by divorce.

The President appointed Sens. Gordon, Francoeur and Fernald.

Rep. Dowling moved that the House accede.

Adopted.

The Speaker appointed Reps. Dokmo, Dowling, Moran and Richardson.

**SB 34**, relative to the process for nonrenewal of teacher contracts.  
The President appointed Sens. O'Hearn, Johnson and Disnard.  
Rep. Henderson moved that the House accede.  
Adopted.

The Speaker appointed Reps. Ward, Cox, Henderson and Snyder.

**SB 434**, establishing the duties of the fish and game commission.  
The President appointed Sens. Disnard, Francoeur and Eaton.  
Rep. McKinney moved that the House refuse to accede.  
Adopted.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

The President appointed Sens. Wheeler, O'Hearn, and Gordon.

Rep. Batula moved that the House accede.

Adopted.

The Speaker appointed Reps. Wendelboe, Batula, MacKay and Sokol.

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

The President appointed Sens. Roberge, Boyce and Disnard.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, Brundige, Lockwood and William Johnson.

**SB 301**, relative to an innovation initiative within the division of economic development.

The President appointed Sens. Below, Eaton and Gatsas.

Rep. Jeb Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Major, Alukonis, Thomas and Norelli.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 298-FN-L**, relative to charter schools and establishing a charter school revolving fund. (Amendments printed SJ 04/16/02 and 04/18/02)

Rep. Henderson moved that the House concur and spoke in favor.

Adopted.

**HB 631-FN**, relative to access to public school programs by nonpublic or home educated pupils. (Amendment printed SJ 04/18/02)

Rep. Henderson moved that the House concur and spoke in favor.

Adopted.

**HB 1151**, establishing a commission to examine and assess the status of civic education in New Hampshire. (Amendment printed SJ 04/10/02)

Rep. Henderson moved that the House concur and spoke in favor.

Adopted.

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state. (Amendments printed SJ 04/10/02 and 04/18/02)

Rep. Henderson moved that the House concur and spoke in favor.

Adopted.

**HB 1281**, establishing a commission to study public educational choice initiatives. (Amendment printed SJ 04/10/02)

Rep. Henderson moved that the House concur and spoke in favor.

Adopted.

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools. (Amendment printed SJ 04/18/02)

Rep. Henderson moved that the House concur and spoke in favor.

Rep. Sapareto spoke in favor.

Adopted.

**HB 1483**, relative to municipal budget committees. (Amendment printed SJ 04/18/02)  
Rep. Henderson moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Henderson, Ward, Colcord and Snyder.

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. (Amendment printed SJ 04/16/02)

Rep. Musler moved that the House concur and spoke in favor.  
Adopted.

**HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals. (Amendment printed SJ 04/18/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 560-FN-A**, establishing a contributory judicial retirement plan. (Amendment printed SJ 04/16/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 587-FN-A**, establishing a commission on the status of men. (Amendment printed SJ 04/18/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 1218**, relative to the regulation of pharmacists and prescription drug orders. (Amendment printed SJ 04/18/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 1366-FN**, establishing a state employee recognition and award program. (Amendment printed SJ 04/18/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 1377-FN**, relative to the regulation of physical therapists. (Amendments printed SJ 04/10/02 and 04/16/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety and emergency management. (Amendments printed SJ 04/11/02 and 04/18/02)

Rep. Peterson moved that the House concur and spoke in favor.  
Adopted.

**HB 1264-FN-L**, relative to district courts and pleas by mail. (Amendment printed SJ 04/18/02)

Rep. Kurk moved that the House concur.  
Rep. Stone spoke in favor.  
Adopted.

**HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process. (Amendment printed SJ 04/10/02)

Rep. Kurk moved that the House concur.  
Rep. Stone spoke in favor.  
Adopted.

**HB 517-L**, relative to supply of water by village districts. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 650-FN**, relative to master plans. (Amendment printed SJ 04/10/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 1156**, relative to the issuance of building permits on private roads. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 1407**, relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 1415**, relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation. (Amendment printed SJ 04/16/02)

Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 550-FN**, relative to destruction of information. (Amendment printed SJ 04/16/02)

Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

**HB 1175**, relative to proclaiming oneself a New Hampshire native. (Amendment printed SJ 04/16/02)

Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

**HB 1236-FN**, establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution. (Amendment printed SJ 04/16/02)

Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

**HB 1249**, adopting the model Drug Dealer Liability Act. (Amendment printed SJ 04/18/02)

Rep. Mock moved that the House nonconcur and spoke in favor.  
Adopted.

**HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses. (Amendment printed SJ 04/18/02)

Rep. Mock moved that the House nonconcur.

Reps. Sloan and Stritch spoke against and yielded to questions.

Rep. Mock spoke in favor.

On a division vote, 181 members having voted in the affirmative, and 89 in the negative, the motion was adopted.

## AMENDMENT TO HOUSE RULES

Reps. Scanlan and Burling offered an amendment to House Rule 64.

### Amendment

Amend House Rule 64 by inserting after the Thursday, April 25, 2002 deadline the following:

Tuesday, April 30, 2002, 12:00 p.m. Last day to sign-off on committee of conference reports.

Rep. Herman spoke in favor and yielded to questions.

Rep. Wheeler spoke in favor.

Rep. Solow spoke to the motion.

Adopted.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 465**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Amendment printed SJ 04/18/02)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Reid, John Pratt, Ward and Loren Jean.

**HB 1390**, relative to quality assurance information. (Amendment printed SJ 04/18/02)  
Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

**HB 1393**, relative to business replacement costs resulting from government program displacement. (Amendments printed SJ 04/18/02)  
Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. (Amendment printed SJ 04/18/02)  
Rep. Edwin Smith moved that the House concur and spoke in favor.  
Adopted.

**HB 1000**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. (Amendment printed SJ 04/18/02)  
Rep. Royce moved that the House concur.  
Rep. Kurk and Royce yielded to questions.  
Rep. Betty Hall spoke in favor.  
Adopted.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### SENATE MESSAGES (CONT'D.)

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 556-FN-A**, relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation. (Amendment printed SJ 04/18/02)  
Rep. Royce moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders. (Amendment printed SJ 04/10/02)  
Rep. Royce moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1252**, relative to the membership of the wetlands council. (Amendment printed SJ 04/10/02)  
Rep. Royce moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1449-A**, establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. (Amendment printed SJ 04/18/02)  
Rep. Royce moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 253-FN**, relative to mercury reductions. (Amendment printed SJ 04/18/02)  
Rep. Jeb Bradley moved that the House concur.  
Rep. Phinizy spoke against.  
Rep. Jeb Bradley spoke in favor.  
Adopted by the necessary two-thirds.

**HB 718-FN**, relative to renewable-energy-source electricity generation and transition service. (Amendment printed SJ 04/16/02)  
Rep. Jeb Bradley moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1349-FN-A**, establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company. (Amendment printed SJ 04/16/02)  
Rep. Jeb Bradley moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1357-FN**, relative to the form of drivers' licenses. (Amendment printed SJ 04/16/02)  
Rep. Packard moved that the House concur and spoke in favor.  
On a division vote, 218 members having voted in the affirmative and 23 in the negative, the motion was adopted by the necessary two-thirds.

**HB 1456-FN**, relative to information on drivers' licenses and relative to motor vehicle records. (Amendment printed SJ 04/16/02)  
Rep. Packard moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

**HB 1451-FN-A**, implementing the Mobile Telecommunications Sourcing Act. (Amendment printed SJ 04/16/02)  
Rep. Alukonis moved that the House concur and spoke in favor.  
Adopted by the necessary two-thirds.

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 366**, relative to biennial reports of the public utilities commission.  
The President appointed Sens. Prescott, Gatsas and D'Allesandro.  
Rep. Jeb Bradley moved that the House accede.  
Adopted by the necessary two-thirds.  
The Speaker appointed Reps. Alukonis, Major, Gabler and Naida Kaen.

### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor.  
The President appointed Sens. Johnson, Prescott and Cohen.

**HB 1413**, relative to disclosure of information by hospitals  
The President appointed Sens. Wheeler, Eaton and Francoeur.

**HB 1429**, relative to the scope of the consumer protection act.  
The President appointed Sens. Prescott, Flanders and D'Allesandro.

**HB 559-FN**, relative to the procedures for assignment of income for child or spousal support orders.  
The President appointed Sens. Gordon, Fernald and Roberge.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet Thursday, May 2, 2002 at 10:00 a.m.  
Adopted by the necessary two-thirds.

### LATE SESSION

### RECESS MOTION

Rep. Scanlan and moved that the House stand in recess for the purpose of receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference only.  
Adopted by the necessary two-thirds.  
The House recessed at 5:15 p.m.

### RECESS

### (Rep. Burling in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 209, 295, 380, 522, 1102, 1107, 1112, 1118, 1121, 1135, 1148, 1153, 1164, 1167, 1190, 1246, 1251,

1274, 1286, 1308, 1314, 1336, 1372, 1373, 1398, 1402, 1414, 1439, 1447, 1453, 1465 and 1473, and Senate Bills numbered 187, 313, 316, 319, 320, 371, 381, 398, 404, 409, 418, 426, 433, 435, 446 and 453.

Rep. Nowe, Sen. D'Allesandro for the Committee

### **SENATE MESSAGES NONCONCURRENCE**

**HB 226**, relative to instructions to voters for straight-ticket voting.

**HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems.

**HB 1328**, defining instructional time in public elementary and secondary schools.

**HCR 14**, a resolution declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

**SB 342**, relative to the purpose of the certificate of need law.

**SB 410**, relative to large groundwater withdrawals.

### **REFERRED FOR INTERIM STUDY**

**HB 1259-FN-L**, relative to the base cost for calculating adequate education grants.

**HB 1343**, relative to processing excavating and dredging permits.

**HB 1370**, relative to establishing a 6-year capital budget.

**HB 1405**, relative to the Memorial Day holiday.

### **CONCURRENCE**

**HB 284-FN**, relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

**HB 329-FN-L**, establishing a committee to study indoor air quality and fire safety in public schools.

**HB 386**, relative to the relocation of the principal residence of a child.

**HB 404**, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.

**HB 592-FN-A**, relative to a milfoil and other exotic aquatic plants prevention program.

**HB 1142**, relative to the advisory council on unemployment compensation.

**HB 1159**, relative to substituting generic drugs for legend and non-legend drugs.

**HB 1208**, relative to real estate broker liens.

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

**HB 1318**, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

**HB 1388**, relative to respiratory care.

**HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

**HB 1441**, relative to the availability of records of the joint committee on legislative facilities.

**HB 1469-FN**, establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.

### **CONCURRENCE WITH AMENDMENTS**

**SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training.

**SB 64-FN-A**, establishing a fund to pay mediators in the probate courts.

**SB 112**, relative to election day registration.

**SB 124**, relative to the confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court.

**SB 133-FN-A**, relative to Skyhaven airport.

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches.

**SB 155-L**, establishing penalties for frivolous actions against teachers and other education employees.

**SB 201-FN**, relative to the job training program for economic growth.

**SB 309-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system.



**SB 314-FN**, relative to Selective Service Act Compliance through driver's license applications.  
**SB 321-L**, establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.  
**SB 326**, establishing a committee to study the workers' compensation hearings and appeals process at the department of labor.  
**SB 331-FN**, changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules.

### ENROLLED BILL AMENDMENTS

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

#### Amendment (3621-EBA)

Amend section 5 of the bill by replacing line 3 with the following:  
senate clerk, the governor, and the state library on or before November 1, 2002  
Adopted.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

#### Amendment (3624 -EBA)

Amend line 2 of RSA 430:55, I(c) as inserted by section 1 of the bill to read as follows:  
under such conditions as the owner may consent to  
Adopted.

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance.

#### Amendment (3656 -EBA)

Amend the bill by replacing section 6 with the following:  
6 Effective Date. This act shall take effect upon its passage.  
Adopted.

**HB 1170**, extending the environmental audit program.

#### Amendment (3620 -EBA)

Amend 1996, 4:5, I as inserted by section 1 of the bill by replacing it with the following:  
I. Section 4 of this act shall take effect July 1, [~~2002~~] **2003**  
Adopted.

**HB 1203**, relative to retroactive health insurance denials.

#### Amendment (3653 -EBA)

Amend RSA 420-A:17-e, I as inserted by section 3 of the bill by replacing line 2 with the following:  
health service corporation to retroactively collect payments already made to a health care provider  
Amend RSA 420-J:8-b, II(b)(3) as inserted by section 4 of the bill by replacing line 2 with the following:  
physician/provider;  
Adopted.

**HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program.

#### Amendment (3652-EBA)

Amend RSA 100-B:4-a, I as inserted by section 2 of the bill by replacing line 2 with the following:  
program in this chapter according to the procedure for adoption provided in RSA 100-B:3. Upon  
Adopted.

**HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

**Amendment (3655-EBA)**

Amend section 4 of the bill by replacing line 4 with the following:  
credit of the state not exceeding the sum of [~~\$61,325,314~~] **\$61,425,314** and for said purposes may  
Adopted.

**HB 1438-FN-A**, relative to registration of health clubs.

**Amendment (3622-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:  
1 Health Clubs; Registration; Fee. Amend RSA 358-I:2, I to read as follows:  
Adopted.

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund.

**Amendment (3638-EBA)**

Amend section 1 of the bill by replacing line 3 with the following:  
programs to function, provides officials with a basis for making decisions, and ensures continuity with  
Amend RSA 5:48, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. Use of the fund shall be solely for the development and continuance of a full-time  
Amend RSA 5:50, II as inserted by section 2 of the bill by replacing line 6 with the following:  
shall be for one year from the date of appointment, but that individual shall continue to serve in said  
Amend section 4 of the bill by replacing line 3 with the following:

(jjjj) Moneys received pursuant to RSA 5:48, which shall be credited to the New Hampshire local government

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Authorization for Contingent Renumbering. If any other act of the 2002 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2002 session laws.  
Adopted.

**HB 1455-FN-L**, establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

**Amendment (3635-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:  
1 Retirement System; Political Subdivision; Modification. Amend RSA 100-A:22 to read as  
Adopted.

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

**Amendment (3606-EBA)**

Amend the second paragraph after the title of the resolution by replacing line 2 with the following:  
people of New Hampshire, through their elected representatives, for multiple use management in  
Amend the fourth paragraph after the title of the resolution by replacing line 2 with the following:  
management in considerable areas of the White Mountain National Forest, especially with respect to  
Amend the eighth paragraph after the title of the resolution by replacing line 3 with the following:  
the intent of Congress in approving the funding for additional land acquisitions; now, therefore, be it  
Adopted.

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

**Amendment (3582-EBA)**

Amend the resolution by replacing line 10 with the following:  
recreation including hiking, hunting, fishing, snowmobiling, wildlife observation, or picnicking; and  
Adopted.

**FURTHER ENROLLED BILL AMENDMENTS**

**SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. (Amendment printed SJ 04/25/02)  
Adopted.

**SB 440**, relative to rules for water conservation. (Amendment printed SJ 04/25/02)  
Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

**SENATE MESSAGES**

**NONCONCURS WITH AMENDMENTS**

**REQUESTS COMMITTEE OF CONFERENCE**

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstake purposes.  
The President appointed Sens. Eaton, Gatsas and D'Allesandro.  
Rep. Edwin Smith moved that the House accede.  
Adopted.

The Speaker appointed Reps. Hess, Jeffrey Gilbert, Lasky and Almy.

**SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.  
The President appointed Sens. Gatsas, Barnes and D'Allesandro.  
Rep. Edwin Smith moved that the House accede.  
Adopted.

The Speaker appointed Reps. Patten, Brundige, Sova and William Johnson.

**SB 442-FN**, establishing a committee to study revising the statutes relative to the state militia and the state guard.  
The President appointed Sens. Barnes, Prescott and D'Allesandro.  
Rep. Edwin Smith moved that the House accede.  
Adopted.

The Speaker appointed Reps. Avery, Coughlin, LaFlamme and Heon.

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk  
The President appointed Sens. O'Hearn, McCarley and Gordon.  
Rep. Edwin Smith moved that the House accede.  
Adopted.

The Speaker appointed Reps. Henderson, Ward, Kurk and Naro.

**RECESS**

**(Rep. Hess in the Chair)**

**SENATE MESSAGES**

**REFUSES TO ACCEDE TO REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards.  
**HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education.

**ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 213-FN**, establishing a study committee on education property tax hardship relief.  
The President appointed Sens. Barnes, Gatsas and D'Allesandro.

**HB 447**, establishing a task force on family law.  
The President appointed Sens. Gordon, Roberge and Fernald.

**HB 465**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.  
The President appointed Sens. Gordon, Fernald and Prescott.

**HB 589**, relative to eligibility for unemployment benefits for part-time workers.  
The President appointed Sens. Francoeur, Burns and Hollingworth.

**HB 617**, relative to additional exceptions to junk yard regulation.  
The President appointed Sens. Roberge, Barnes and Disnard.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons.  
The President appointed Sens. Gatsas, D'Allesandro and Barnes.

**HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor.  
The President appointed Sens. O'Hearn, Disnard and Gordon.

**HB 1134**, relative to lighting requirements for motor vehicles and trailers.  
The President appointed Sens. Flanders, Gatsas and Hollingworth.

**HB 1172**, relative to the adoption of rules for certain wetland permits.  
The President appointed Sens. Francoeur, Cohen and Gatsas.

**HB 1194**, relative to medical records.  
The President appointed Sens. Burns, Francoeur and Hollingworth.

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.  
The President appointed Sens. Barnes, Roberge and O'Neil.

**HB 1235**, relative to operation of motorized vessels and safe boater education.  
The President appointed Sens. Disnard, Francoeur and Burns.

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax.  
The President appointed Sens. Boyce, Klemm and D'Allesandro.

**HB 1273-FN**, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.  
The President appointed Sens. Disnard, Flanders and Gatsas.

**HB 1298**, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.  
The President appointed Sens. Klemm, Flanders and O'Neil.

**HB 1311**, relative to certain mental health records and establishing a committee to study the protection of certain medical information.  
The President appointed Sens. Roberge, Fernald and Prescott.

**HB 1344-L**, establishing a village plan alternative subdivision in zoning and land use planning laws.  
The President appointed Sens. Francoeur, Roberge and O'Neil.

**HB 1365-FN**, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.  
The President appointed Sens. Klemm, Barnes and Hollingworth.

**HB 1406**, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act. The President appointed Sens. Prescott, Barnes and Pignatelli.

**HB 1410-L**, ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting. The President appointed Sens. Roberge, Flanders and O'Neil.

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. The President appointed Sens. Gordon, Fernald and Roberge.

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. The President appointed Sens. Prescott, Roberge and Pignatelli.

**HB 1433**, prohibiting constructive possession of alcohol by minors. The President appointed Sens. Gordon, Pignatelli and Prescott.

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. The President appointed Sens. Barnes, Pignatelli and Gordon.

**HB 1478-FN-A**, relative to public health emergency preparation and response. The President appointed Sens. Gordon, Fernald and Roberge.

**HB 1483**, relative to municipal budget committees. The President appointed Sens. O'Hearn, Disnard and Boyce.

**HB 2000**, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass. The President appointed Sens. Klemm, Eaton and O'Neil.

### ENROLLED BILL AMENDMENTS

**HB 212-FN**, providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

#### Amendment (3663-EBA)

Amend subparagraph V(d) of section 2 of the bill by replacing line 2 with the following:  
determined in subparagraph (c), whichever is less, by the local rate increase computed in  
Amend paragraph VIII of section 2 of the bill by replacing line 3 with the following:  
Claimants who were not required to file a federal income tax return for the 2000 tax year may  
submit an  
Adopted.

**HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services.

#### Amendment (3660-EBA)

Amend RSA 149-M:42, III as inserted by section 1 of the bill by replacing line 10 with the following:  
*disposal activities, but not by benevolent gifts received from third party sources having no*  
Adopted.

**HB 1310**, relative to the city of Manchester's contributory retirement system.

#### Amendment (3617-EBA)

Amend 1973, 218:4, X as inserted by section 1 of the bill by replacing lines 1-2 with the following:  
X. "Final average earnings" means the greater of (a) the average annual earnings received by  
a member during the 3 highest calendar years during the 10 years preceding the  
Amend 1973, 218:4, X as inserted by section 1 of the bill by replacing line 10 with the following:  
during the greater of the highest 36 consecutive months or the 3 highest calendar years. This  
Amend 1973, 218:6, I(b) as inserted by section 1 of the bill by replacing line 2 with the following:  
section or to delegate to any corporate fiduciary or an insurance company within or without the

Amend 1973, 218:6, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The retirement board shall administer the retirement system in accordance with this act  
 Amend 1973, 218:6, VII as inserted by section 1 of the bill by replacing line 2 with the following:  
 employees of the retirement system for liability they incur in administering the retirement system and  
 Adopted.

**HB 1354-FN**, licensing body art practitioners.

#### **Amendment (3662-EBA)**

Amend RSA 314-A:9 as inserted by section 1 of the bill by replacing line 2 with the following:  
 revoke or suspend any license issued under this chapter if the licensee:

Amend RSA 314-A:11 as inserted by section 1 of the bill by replacing line 1 with the following:  
 314-A:11 Actions by Department. The department may, in accordance with applicable law,  
 maintain an  
 Adopted.

**HB 1460-FN**, relative to penalties for alcohol-and drug-related offenses.

#### **Amendment (3661-EBA)**

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 Drivers' Licenses; Revocation or Denial for Drugs or Alcohol Involvement. Amend  
 RSA 263:56-b to read as follows:

263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

I. Any person who is [~~15 years of age or older and~~] not yet [~~18~~] **21** years of age on the date of  
 Adopted.

**HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees  
 contributory retirement system.

#### **Amendment (3665-EBA)**

Amend the bill by replacing all after section 3 with the following:

4 Definitions; Normal Retirement Date; HB 1310 Contingency Provision. 1973, 218:4, XIII, as  
 amended by HB 1310 of the 2002 legislative session, is repealed and reenacted to read as follows:

XIII. "Normal retirement date" shall mean the first day of the month coinciding with or next  
 following a member's sixtieth birthday.

5 Retirement Benefits; HB 1310 Contingency Provision. 1973, 218:12, I, as amended by HB 1310  
 of the 2002 legislative session, is repealed and reenacted to read as follows:

I. Any member who either has attained the age of 60 years or having been in the service of the  
 city on January 1, 1974, has completed at least 20 years of service, shall be eligible for a normal  
 retirement benefit under the provisions of this act. Any such member may retire by filing with the  
 retirement board a written statement duly attested setting forth at what time subsequent to the date  
 of filing thereof, the member desires to be retired, or the retirement board may, at its option, retire  
 any such eligible member, furnishing written notice thereof at least 60 calendar days in advance of  
 the specified date of such retirement.

6 Early Retirement Option; HB 1310 Contingency Provision. 1973, 218:14, I, as amended by  
 HB 1310 of the 2002 legislative session, is repealed and reenacted to read as follows:

I. Each member whose age plus years of service equal 80, or who attains age 55 with a mini-  
 mum of 20 years of service, may have the option, to be exercised by a written notice to the retire-  
 ment board, to retire at any time thereafter, prior to the member's normal retirement date. The  
 amount of retirement benefits payable to such retired member shall be computed as provided in  
 section 12 of this act, except that the date of such early retirement shall be used in determining the  
 member's service, and the amount thus obtained will be reduced for each month by which the date  
 on which benefits commence precedes the month after which the member attains 60 years of age  
 by 1/6 of one percent.

7 Referendum. At the election to be held in the city in November, 2002, the city clerk then in  
 office shall cause to be included on the ballot the following statement and question: "A contribu-  
 tory retirement plan for city employees was adopted by the voters of Manchester at the November  
 1973 election. The plan became effective in January 1974, and now, benefit improvements are

requested. Are you in favor of the passage of an act of the General Court of 2002, amending sections 1, 7, and 12 of the city of Manchester employees contributory retirement system to lower the normal retirement age to 60, and to reduce the early retirement penalty?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted and effective July 1, 2003, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

#### 8 Contingency.

I. If HB 1310 of the 2002 legislative session becomes law and the referendum contained in section 2 of said HB 1310 is duly approved as provided therein, then sections 4-6 of this act shall take effect on the date the referendum in section 7 of this act is approved, and sections 1-3 of this act shall not take effect.

II. If HB 1310 of the 2002 legislative session does not become law, or if the referendum contained in section 2 of said HB 1310 is not approved as provided therein, then sections 1-3 of this act shall take effect as provided in section 7 of this act, and sections 4-6 of this act shall not take effect.

#### 9 Effective Date.

I. Section 7 of this act, relative to the referendum, shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 8.

Adopted.

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

#### Amendment (3659-EBA)

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 Motor Oil Discharge Cleanup Fund; Date Changed. Amend 1995, 282:12, as amended by 1999, 164:1, to read as follows:

Amend section 2 of the bill by replacing line 1 with the following:

2 Effective Date of Repeal Changed. Amend 1995, 282:14, 1, as amended by 1999, 164:2, to read as Adopted.

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

#### Amendment (3664-EBA)

Amend paragraph III of the resolution by replacing line 3 with the following:

whether the amendments of the constitution proposed by the 2002 session of the general court shall

Amend paragraph V of the resolution by replacing line 6 with the following:

Amendments Proposed by the 2002 General Court" shall be printed in bold type at the top of the

Adopted.

#### RECESS

(Rep. Herman in the Chair)

#### SENATE MESSAGE

#### CONCURRENCE WITH AMENDMENTS

**SB 334**, relative to grounds for refusal or denial of hotel accommodations.

**SB 336**, establishing a committee to study campaign finance reform and apportioning state representative districts.

**SB 337**, relative to consent orders in abuse and neglect cases.

**SB 339**, relative to approval of contingent fee agreements by the courts.

**SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

**SB 354**, authorizing foster parents to act as educational advocates for foster children with educational disabilities.

**SB 358**, relative to the authority to assess administrative fines to ophthalmic dispensers.

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants.

**SB 367**, relative to the guardian ad litem board.

**SB 386**, relative to automated external defibrillators.

**SB 388**, relative to bingo game operation.

**SB 392**, relative to the regulation of revolving credit plans.

**SB 395**, making certain changes to the laws pertaining to special education.

**SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code.

**SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors.

**SB 405**, relative to special number plates for veterans.

**SB 406**, relative to animal control.

**SB 408**, governing records management of abuse or neglect reports.

**SB 412**, relative to the licensure of dietitians.

**SB 419**, relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.

**SB 422-FN**, relative to the insurance laws.

**SB 423-FN-A**, relative to fees collected by the department of safety, certificates of title, and disclosure of information for the development, maintenance, and updating of the tax policy modeling system, and making an appropriation to the governor's office of emergency management.

**SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education.

**SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants.

**SB 439**, relative to the membership of the information technology management advisory board.

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety.

**SB 443-FN**, relative to the division of condominiums.

**SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility.

**SB 451**, relative to the shoreland protection act.

**SB 452**, relative to fines for violations of the shoreland protection act.

**SB 455-FN-A**, relative to funding for district and probate court security.

## RECESS

### (Speaker Chandler in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 701, 1305 and 1437 and Senate Bill numbered 336.

Rep. Nowe, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENTS

**SB 124**, relative to confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court. (Amendment printed SJ 05/02/02)  
Adopted.

**SB 155-L**, establishing penalties for frivolous actions against teachers and other education employees. (Amendment printed SJ 05/02/02)  
Adopted.

**SB 326**, establishing a committee to study the workers' compensation hearings and appeals process at the department of labor. (Amendment printed SJ 05/02/02)  
Adopted.

**SB 331-FN**, changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules. (Amendment printed SJ 05/02/02)  
Adopted.



**ENROLLED BILL AMENDMENT**

**HB 329-FN-L**, establishing a committee to study indoor air quality and fire safety in public schools.

**Amendment (3674-EBA)**

Amend paragraph I of section 2 of the bill by replacing subparagraph (e) with the following:

(e) The state fire marshal, or designee.

Adopted.

**RECESS****CONFEREE CHANGES**

**HB 134**, permitting challenges to judges.

Rep. Phyllis Woods moved to first-named member.

Rep. Reid moved to Rep. Phyllis Woods' former position.

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults.

Rep. Hess replaced Rep. Phyllis Katsakiores.

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor.

Rep. Patten replaced Rep. Holbrook.

**HB 617**, relative to additional exceptions to junk yard regulation.

Rep. Brundige replaced Rep. William Johnson.

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Rep. Robertson replaced Rep. Dexter.

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax.

Rep. Royce replaced Rep. Jeffrey Gilbert.

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

Rep. Major replaced Rep. Carlson.

**HCR 28**, urging increased federal funding for quality breast cancer research.

Rep. LaFlamme replaced Rep. Pepino.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

Rep. Kurk replaced Rep. Wendelboe.

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

Rep. Sova replaced Rep. Lockwood.

Rep. Mary Cooney replaced Rep. William Johnson.

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstake purposes.

Rep. Major replaced Rep. Jeffrey Gilbert.

**SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

Rep. Mary Cooney replaced William Johnson.

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 14**

Thursday, May 2, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator of all, we pause this morning to give grateful thanks for the recent rain that relieves our drought and replenishes our reservoirs and wells. We also give thanks for those who work among us to sustain our natural resources and to provide the daily nourishment that sustains communities both near and far. Remind us never to take these gifts for granted, and help us to use them for the good of all the citizens of our beloved New Hampshire. As always, we ask Your blessing upon the work of this honorable House and we ask that Your protective hand be upon those who bravely defend the freedoms we share. Amen.

Rep. Dennis H. Fields led the Pledge of Allegiance.

The National Anthem was sung by Andrea Crocker, a student from Souhegan High School.

**LEAVES OF ABSENCE**

Reps. Chabot, Frank Davis, Dunne, Feuerstein, Jane Kelley, Kobel, Langer, Lent, Pepino and Zolla, the day, illness.

Reps. Bellavance, Bruno, Callaghan, Dexter, Dowling, Dumaine, Flint, Giuda, Introne, Lasky, Lessard, Mitchell, Musler, Marsha Pelletier, Robb, Salatiello, Teschner, Torressen, Wheeler and Woodill, the day, important business.

Rep. Greco, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Rick, Lib and Kim Crocker, parents and sister of singer Andrea Crocker, guests of Rep. Dokmo. Daniel and Marianne Artz, son and wife of Rep. Artz. Maarij Kirmani, guest of Rep. Tahir. Tammy Baillargeon, Steven Knapp and Ashley Tozier, guests of Rep. Lyman. Ernesto Pina-Valade, Oleg Moskalev, Myung Soo Han, Urzalla Razmowar, Jack Wells-Bougue, Cristian Costa-Cue, Jas-Paul Singh, Mary Lou Lotterhand and Deana Romero, guests of Rep. Scovner. The participants in Democracy Engaged Program, a delegation from the Republic of Armenia, guests of the Speaker. Five winter sports teams, all Class L State Champions from Nashua Senior High School: Girls Indoor Track Team and Coach Jason Robie; Girls Gymnastic Team and Coach Stacey Mareno; Girls Alpine Ski Team and Coach Peter Darrgo; Boys Hockey Team and Coach Scott Sanders; Boys Basketball Team and Coach Nate Mazzerolle; Jim Davis, Athletic Director, Richard Burpee, Assistant Principal, guests of the Nashua delegation. Wendy and Meggan Mills, Judy Yokley and JoAnne Brulotte, guests of Reps. Wendelboe, Dewhirst, Holbrook, Donald Flanders and Jane Wood. Cynthia Herman, wife of Rep. Herman.

**SPECIAL GUEST**

Peter Thorndike of Meredith, a member of the Winter Olympic Snowboard team and recent winner of the North America Cup Competition, joined the Speaker on the podium as guest of the House.

**PRESENTATION**

Rep. Rausch addressed the House and presented the New Hampshire State flag that was carried on a recent NASA space shuttle.

The Speaker announced that, without objection, the remarks of Rep. Rausch would be printed in the Journal.

Rep. Rausch: Thank you, Mr. Speaker. Dr. Richard Linnehan graduated from Pelham High School in 1975 and from the University of New Hampshire in 1980 with a Bachelor of Science degree in

animal science. He received the degree of Doctor of Veterinary Medicine from the Ohio State University College of Veterinary Medicine in 1985.

As a token of his appreciation and with permission from NASA, he brought a New Hampshire State flag on Columbia STS 109. This was the fourth Hubble space telescope servicing mission. Dr. Linnehan is a veteran of three space flights. He has logged over 43 days in space and, on this mission, he performed three space walks totaling 21 hours and 9 minutes in repairing the telescope. The New Hampshire Veterinary Medical Association, wishing to recognize the accomplishments of Dr. Linnehan, gave this flag to him and coordinated the efforts for this presentation. This State flag orbited the earth 165 times and covered 3.9 million miles in over 262 hours in space.

Mr. Speaker, on behalf of the New Hampshire Veterinary Medical Association and astronaut and fellow veterinarian, Dr. Richard Linnehan, I would like to present to the New Hampshire House of Representatives this State flag flown aboard the Columbia space shuttle on its STS-109 mission.

The House of Representatives offered the following:

### HOUSE RESOLUTION 25

Memorializing State Representative Raymond E. Proulx of Dover

**WHEREAS**, it is with great sorrow that we have learned of the death of our friend and colleague Raymond E. Proulx of Dover; and

**WHEREAS**, as a first term representative from Strafford County District #12, Raymond E. Proulx served with great pride and enthusiasm on the Labor, Industrial and Rehabilitative Services Committee; and

**WHEREAS**, Raymond E. Proulx was serving his community as a member of the Train Sub-Station Committee, having formerly served as a member of the Zoning Board of Adjustment and the School Board; and

**WHEREAS**, while a member of the Dover School Board, Ray Proulx gained a reputation as a champion of students' rights and privacy, and, having been concerned for students' safety while walking to school, worked to get a road paved to help ensure that safety – a walkway now known as the Honorable Raymond Proulx Lane; and

**WHEREAS**, Raymond E. Proulx was employed by the New Hampshire Liquor Commission for over twenty-five years, most recently serving as an assistant manager, and during his service as a state employee was an active participant in the State Employees' Association, serving as a board member and Chapter President as well as serving on the Executive Committee of the New Hampshire AFL-CIO; and

**WHEREAS**, Ray Proulx cared about his friends' health, making donations to various office "food funds" only if assured that his contribution would be spent on fresh fruit; and

**WHEREAS**, Raymond E. Proulx was a family man, being the father of twelve and grandfather of thirteen, who genuinely cared about people, demonstrated as much by his daily forays to a certain Dover fast food restaurant to talk local and state political issues with his constituents as by his regular stops in certain offices in the State House to visit with his friends on the staff; now, therefore, be it

**RESOLVED**, by the House of Representatives in Regular Session convened, that Raymond E. Proulx be saluted for his outstanding and dedicated service to his community and his state, and be it further

**RESOLVED**, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

The Speaker announced that, without objection, the remarks of Rep. Burling would be printed in the Journal.

Rep. Burling: Thank you, Mr. Speaker. Mr. Speaker, you and I both know these are the hardest moments in the House and I apologize up front, my friends, if my words fail me from time to time. Presidents John Fitzgerald Kennedy and George W. Bush both called upon Americans to honor their country through a commitment to public service. Ray Proulx was an extraordinary American who did not need their calls to understand the importance of serving his country and the community in which he lived. In Ray, the principle of service to and for his fellow citizens was something ingrained and fundamental. Ray Proulx was a man of the American labor movement. He believed in the dignity of

organized labor and he moved through life with faith in collective action and concern for one's fellow workers as guideposts on the road to every destination. There was no element of the New Hampshire labor movement which did not flourish just that much more because Ray Proulx was a member. Ray was a man who never shrank from helping out, on the school board, in the union hall, in the community of Dover. Ray was never afraid of taking a principled stand. Time and time again, Ray put the liberties and rights of his fellow citizens ahead of the convenience of an easy, more popular decision. And here in this House, Ray was, simply, a natural. He was with us just this term but all of us who worked with him knew him to be a steady hand. A person who understood intuitively what the House is about and how to make it function for the people of this State. His was a tireless advocacy of the causes he believed in. His home town has truly lost a great voice. Ray Proulx was a man who left this world a more beautiful place than it was when he entered it. One need only look at his twelve wonderful, and, I might say gorgeous, children to understand the truth of that statement. We have lost a good friend and a gifted colleague, but I believe that we have gained the example of his patience and determination in service of the people of our State. All of us who labored closely with him will remember his days among us with pleasure and respect, and we will feel gratitude for the chance to have worked shoulder to shoulder with a man like Ray for the people of New Hampshire.

### **CONSENT CALENDAR**

#### **COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Scanlan moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

Adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 300**

Committee of Conference Report on SB 300, an act relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist 9; Boyce, Dist 4 and Disnard, Dist 8.

Reps. Patten, Carr 9; Brundige, Hills 18; Sova, Graf 11 and Mary Cooney, Graf 7.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 301**

Committee of Conference Report on SB 301, an act relative to an innovation initiative within the division of economic development.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. In October 1998, the United States Congress enacted Public Law 105-277, the Internet Tax Freedom Act, which imposed a 3-year moratorium on certain Internet-related taxes. In November 2001, the United States Congress enacted Public Law 107-75, extending that moratorium through November 1, 2003.

II. Social, educational, and economic benefits result from creating and expanding access to the Internet and computer on-line services.

III. New Hampshire is committed to studying and encouraging through its public policy electronic commerce and the development, growth, and deployment of high-speed Internet access to its citizens and businesses.

IV. Technology-based innovations are critical to the growth and economic development of the state. Rapidly developing technological innovation and deployment will be encouraged by a state public policy restraining government intervention.

V. The exercise of the taxing powers of the state of New Hampshire in relation to emerging Internet and computer on-line services could impede the future accessibility, viability, and enhancement of such services in New Hampshire.

Amend RSA 12-M:2, I as inserted by section 3 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

(a) Four members of the house of representatives, at least one of whom shall be a member of the committee having jurisdiction over the telecommunications matters, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of revenue administration, or designee.

(d) The commissioner of the department of resources and economic development, or designee.

(e) One member representing the New Hampshire Municipal Association, appointed by that organization.

(f) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the governor.

Amend RSA 12-M:2, III as inserted by section 3 of the bill by replacing it with the following:

III. Legislative members of the commission shall serve a term which is coterminous with their elected office.

Amend RSA 12-M:3, V as inserted by section 3 of the bill by replacing it with the following:

V. Assessing state policy options to encourage rapidly developing technological innovation and deployment, including the imposition of New Hampshire's communications services tax on Internet access given the enactment of the federal Internet Tax Freedom Act, Public Law 105-277, and the extension of the Internet tax moratorium imposed pursuant to Public Law 107-75, and related tax policies.

Amend the bill by replacing all after section 3 with the following:

4 Repeal. RSA 12-M, relative to the New Hampshire e-commerce advisory commission, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 31, 2003.

II. The remainder of this act shall take effect upon its passage.

Conferees: Sens. Below, Dist 5; Eaton, Dist 10 and Gatsas, Dist 16.

Conferees: Reps. Major, Rock 16; Alukonis, Hills 22; Thomas, Belk 3 and Norelli, Rock 31.

### COMMITTEE OF CONFERENCE REPORT ON SB 318

Committee of Conference Report on SB 318, an act relative to transfers of funds from the sweepstakes fund for sweepstakes purposes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Sweepstakes Fund. Amend RSA 284:21-j to read as follows:

284:21-j Establishment.

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

*II. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the sweepstakes commission, the commission may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the sweepstakes fund for expenses related to retirement and health benefits.*

Conferees: Sens. Eaton, Dist 10; Gatsas, Dist 16 and D'Allesandro, Dist 20.

Conferees: Reps. Hess, Merr 11; Major, Rock 16; Lasky, Hills 33 and Almy, Graf 14.

### COMMITTEE OF CONFERENCE REPORT ON SB 366

Committee of Conference Report on SB 366, an act relative to biennial reports of the public utilities commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Prescott, Dist 19; Gatsas, Dist 16 and D'Allesandro, Dist 20.

Conferees: Reps. Alukonis, Hills 23; Major, Rock 16; Gabler, Graf 8 and N. Kaen, Straf 7.

## **REGULAR CALENDAR**

### **COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

#### **COMMITTEE OF CONFERENCE REPORT ON SB 161**

Committee of Conference Report on SB 161-FN-A, an act relative to treatment for individuals with disabilities and making an appropriation therefor.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Secure Facility Required; Approvals Required.

I. The department of health and human services may construct an architecturally-secure facility with a maximum of 12 beds in Laconia for treatment of individuals with significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community.

II. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department has developed an implementation plan for the 12-bed facility and received the approval of such plan from the capital budget overview committee.

III. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act, other than those for the design of the facility, shall not be spent, obligated, or encumbered until the department obtains reasonable assurance from the Centers for Medicare and Medicaid Services for participation of this program in the state medicaid program, in the facility constructed under the authority of paragraph I. The department shall provide such assurance to the capital budget overview committee.

IV. The security components of the facility design and implementation plan shall be developed in consultation with a committee of 3 individuals from Laconia selected by the city council.

Conferees: Sens. Wheeler, Dist 21; O'Hearn and Dist.12; Gordon, Dist 2.

Conferees: Reps. Kurk, Hills 5; Batula, Hills 18; MacKay, Merr 24 and Sokol, Graf 10.

Adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 430**

Committee of Conference Report on SB 430, an act allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Gatsas, Dist 16; Barnes, Dist 17 and D'Allesandro, Dist 20.

Conferees: Reps. Patten, Carr 9; Brundige, Hills 18, Sova, Graf 11 and Mary Cooney, Graf 7.

Adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 442**

Committee of Conference Report on SB 442-FN, an act establishing a committee to study revising the statutes relative to the state militia and the state guard.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 12 with the following:

12 Repeat. The following are repealed:

I. RSA 110-B:30, relative to use of armories by veterans.

II. RSA 110-B:31, relative to use of armories for public meetings.

III. RSA 110-B:32, relative to rent for use of armory.

Conferees: Sens. Barnes, Dist17; Prescott, Dist 19 and D'Allesandro, Dist 20.

Conferees: Reps. Avery, Ches 8; Coughlin, Hills 12; LaFlamme, Hills 35 and Heon, Straf 14.

Adopted.

## AMENDMENT TO HOUSE RULES

Rep. Herman offered the following:

### Amendment (3524h)

Amend House Rule 64 by inserting after the Friday, May 3, 2002 deadline the following:

Monday, September 16, 2002

First day for incumbents running for re-election to file LSR's with complete information.

Friday, October 4, 2002

Last day for incumbents running for re-election to file LSR's with complete information.

Friday, November 1, 2002

Last day to file 2002 Interim Study reports.

Wednesday, November 13, 2002

First day for all Representatives-elect to file LSR's with complete information. 15-day sign-off period begins.

Friday, December 13, 2002, 3:00 p.m.

Last day to file LSR's with complete information.

Friday, January 17, 2003, 12:00 p.m.

Last day to sign-off on all House bills, including redraft requests.

Thursday, January 30, 2003

Last day to introduce all House bills.

Reps. Herman and Burling spoke in favor.

Adopted.

## REVENUE ESTIMATES

Rep. Alukonis moved Ought to Pass with Amendment on *HR 24*, affirming revenue estimates for fiscal years 2002 and 2003, and offered a floor amendment (3658h).

### Floor Amendment (3658h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2002 and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2002 and 2003.

Committee estimates are based on current rates.

	(A) FY 2002	(B) FY 2002	(C) FY 2003	(D) FY 2003
GEN'L & ED TRUST FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Business Profits Tax	\$275.900	\$235.000	\$267.600	\$234.000
Business Enterprise Tax	168.000	145.000	162.000	144.000
Subtotal	\$443.900	\$380.000	\$429.600	\$378.000
Meals & Rooms Tax	\$176.000	172.000	193.400	189.400
Liquor Sales	\$93.000	95.250	96.500	98.750
Interest & Dividends Tax	77.000	68.800	79.000	70.200
Insurance Tax	62.000	74.000	63.000	76.000
Tobacco Tax	86.000	86.000	85.000	85.000
Other	46.000	48.000	46.000	48.000
Communications Tax	67.700	63.700	70.900	65.600

Estate & Legacy Tax	58.000	61.000	54.800	56.000
Real Estate Transfer Tax	99.500	96.500	102.500	111.000
Court Fines & Fees	23.700	25.000	24.400	26.000
	(A)	(B)	(C)	(D)
	<u>FY 2002</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2003</u>
Utility Tax	5.400	5.900	5.500	6.100
Securities Revenue	27.500	25.000	28.500	26.000
Board & Care Revenue	10.400	10.400	10.800	10.800
Beer Tax	12.112	12.112	12.212	12.212
Horse Racing	2.600	2.600	2.700	2.700
Dog Racing	1.200	1.200	1.200	1.200
Tobacco Settlement Funds	44.000	44.600	44.400	44.400
<b>SUBTOTAL</b>	<b><u>\$1,336.012</u></b>	<b><u>\$1,272.062</u></b>	<b><u>\$1,350.412</u></b>	<b><u>\$1,307.362</u></b>
Other Medicaid Enhancement	13.400	16.400	13.400	16.300
Net Medicaid Enhance. Revenue	95.000	101.200	94.000	100.100
Utility Property Tax	18.800	18.800	20.500	21.500
State Property Tax -Not Retained Local	29.100	29.100	32.680	32.680
State Property Tax -Retained Locally	454.000	454.000	453.045	453.045
Transfers from Sweepstakes	64.000	68.500	66.000	68.500
<b>TOTAL</b>	<b><u>\$2,010.312</u></b>	<b><u>\$1,960.062</u></b>	<b><u>\$2,030.037</u></b>	<b><u>\$1,999.487</u></b>
<b>HIGHWAY FUNDS:</b>	<b>Official</b>	<b>Committee</b>	<b>Official</b>	<b>Committee</b>
<b>(Dollars in Millions)</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
Road Toll - Gross Total	\$144.600	\$141.600	\$149.220	\$145.720
Less Betterment	<u>(\$20.600)</u>	<u>(\$20.600)</u>	<u>(\$21.220)</u>	<u>(\$21.220)</u>
Road Toll - Net Total	\$124.000	\$121.000	\$128.000	\$124.500
Motor Vehicle Fees	84.357	84.357	86.626	88.400
Miscellaneous	8.400	6.500	8.900	6.500
<b>TOTAL HIGHWAY FUNDS</b>	<b><u>\$216.757</u></b>	<b><u>\$211.857</u></b>	<b><u>\$223.526</u></b>	<b><u>\$219.400</u></b>
	(A)	(B)	(C)	(D)
	<u>FY 2002</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2003</u>

**FISH & GAME FUNDS:**  
**(Dollars in Millions)**

Fish & Game Licenses	\$7.681	\$6.981	\$9.094	\$9.094
Miscellaneous	1.564	1.164	1.591	1.591
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b><u>\$9.245</u></b>	<b><u>\$8.145</u></b>	<b><u>\$10.685</u></b>	<b><u>\$10.685</u></b>

The question being adoption of floor amendment (3658h).

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

**LAI D ON THE TABLE**

Rep. Alukonis moved that **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003, be laid on the table.

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 212, 560, 1109, 1111, 1119, 1220, 1236, 1310, 1354 and 1482 and Senate Bills numbered 414 and 440, and Constitutional Amendment Concurrent Resolution 5.

Rep. Nowe, Sen. D'Allesandro for the Committee

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow introduction and consideration after the deadlines of **SB 456-FN-A**, making appropriations to the department of health and human services, without the required referral to a committee, public hearing and report.

Adopted by the necessary two-thirds.



**RESOLUTION**

Reps. Scanlan and Burling moved that **SB 456-FN-A**, making appropriations to the department of health and human services, be by this resolution read a first and second time by the herein listed title. Adopted.

**INTRODUCTION OF SENATE BILL 456****First and second reading**

**SB 456-FN-A**, making appropriations to the department of health and human services. (Sens. Barnes, Dist 17; Hollingworth, Dist 23; Burns, Dist 1; Gordon, Dist. 2; Johnson, Dist 3; Below, Dist 5; McCarley, Dist 6; Flanders, Dist 7; Disnard, Dist 8; Roberge, Dist 9; Eaton, Dist 10; Fernald, Dist 11; O'Hearn, Dist 12; Pignatelli, Dist 13; Francoeur, Dist 14; Larsen, Dist 15; Gatsas, Dist 16; O'Neil, Dist 18; Prescott, Dist 19; D'Allesandro, Dist 20; Wheeler, Dist 21; Klemm, Dist 22; Cohen, Dist 24; Reps. Scanlan, Graf 11; Burling, Sull 1)

**CONSIDERATION OF SB 456**

**SB 456-FN-A**, making appropriations to the department of health and human services.

Rep. Scanlan moved Ought to Pass.

Rep. Rogers Johnson spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Adopted and ordered to third reading.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 134**, permitting challenges to judges. (Report printed SJ 05/02/02)

Rep. Mock yielded to questions.

Adopted.

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Report printed SJ 05/02/02)

Adopted.

**HB 213-FN**, establishing a study committee on education property tax hardship relief. (Report printed SJ 05/02/02)

Adopted.

**HB 447**, establishing a task force on family law. (Report printed SJ 05/02/02)

Adopted

**HB 465** relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Report printed SJ 05/02/02)

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 284, 386, 404, 424, 581, 1142, 1159, 1170, 1203, 1208, 1302, 1352, 1419, 1438, 1440, 1441, 1455, 1460, 1469 and 1476 and Senate Bills numbered 52, 112, 133, 201, 309, 314, 321 and 455.

Rep. Nowe, Sen. D'Allesandro for the Committee

**REGULAR CALENDAR (CONT'D.)****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders. (Report printed SJ 05/02/02)

Adopted.

**HB 617**, relative to additional exceptions to junk yard regulation. (Report printed SJ 05/02/02)

Adopted.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons. (Report printed SJ 05/02/02)

Adopted.

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. (Report printed SJ 05/02/02)  
Adopted.

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Report printed SJ 05/02/02)  
Adopted.

**HB 1134**, relative to lighting requirements for motor vehicles and trailers. (Report printed SJ 05/02/02)  
Adopted

**HB 1235**, relative to operation of motorized vessels and safe boater education. (Report printed SJ 05/02/02)  
Reps. Martin and Soltani spoke against.  
Rep. Spang yielded to questions.  
Reps. Royce and Dickinson spoke in favor and yielded to questions.

**LAY ON THE TABLE**

Rep. Vaillancourt moved that the Committee of Conference report on **HB 1235**, relative to operation of motorized vessels and safe boater education, be laid on the table.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question being adoption of the motion to lay on the table.

**YEAS 105 NAYS 214**

**YEAS 105  
BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Johnson, William	Rice, Thomas Jr
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**CARROLL**

None

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Liebl, George	McGuirk, Paul	Meader, David
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

**COOS**

None

**GRAFTON**

Cooney, Mary	Gabler, William	Lovett, Sid	Marshall, Gene
Naro, Debra	Pawlek, Marion	Scovner, Nancy	Sova, Charles
Williams, Burton			

**HILLSBOROUGH**

Balboni, Michael	Bergeron, Jean-Guy	Bergin, Peter	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard	Ford, Nancy
Furman, Christine	Graham, John	Haley, Robert	Hall, Betty
Holden, Randolph	Hopper, Gary	Jean, Claudette	Keye, Harvey
LaFlamme, Paul	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Panagopoulos, Nicholas
Salts, Greg	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Cummings, Raymond
Gile, Mary	Kennedy, Richard	Perkins, Randy	Potter, Frances
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	Yeaton, Charles

**ROCKINGHAM**

Bowles, Raimond	Coes, Betsy	Cooney, Richard	DiFruscia, Anthony
Fesh, Bob	Hamel, Albert	Hill, Jonathan	Hutchinson, Karen
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
McGuire, Robert	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Trueman, Raymond
Weatherspoon, Jacquelyne	Weyler, Kenneth		

**STRAFFORD**

Dunlap, Patricia	Ferland, Paul	Goodwin, Earle	Harrington, Michael
Heon, Richard	Hughes, Christopher	Kaen, Naida	McCarthy, Gerald
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Franklin, Peter	Harris, Joseph	Jones, Constance	Leone, Richard
Phinizy, James			

**NAYS 214****BELKNAP**

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Lawton, David
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

**CHESHIRE**

Fairbanks, Chandler	Hunt, John	Manning, Joseph	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Nordgren, Sharon	Scanlan, David	Sokol, Hilda
Ward, Brien			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bouchard, David	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Dionne, David	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gargasch, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Mercer, Robert

Movsesian, Lori  
Reeves, Sandra  
Tate, Joan

Murphy, Robert  
Sargent, Maxwell  
Thulander, O Alan

O'Connell, Timothy  
Spiess, Paul  
White, John

Peterson, Andrew  
Sweeney, Cynthia

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Hutchinson, John  
Lockwood, Priscilla  
Rodd, Beth  
Whalley, Michael

Burney, Carol  
Fraser, Marilyn  
Jacobson, Alf  
MacKay, James  
Rush, Deanna

Colcord, J D  
French, Barbara  
L'Heureux, Stephen  
Moore, Carol  
Seldin, Gloria

Daneault, Gabriel  
Hess, David  
Leber, William  
Owen, Derek  
Swindlehurst, John

### ROCKINGHAM

Belanger, Ronald  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Major, Norman  
Norelli, Terie  
Palermo, Diane  
Ruffner, Walter  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Camm, Kevin  
Clark, Martha Fuller  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, George  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Saia, Pamela  
Splaine, James  
Whittier, John

Blanchard, MaryAnn  
Carson, Sharon  
Clark, Vivian  
Dearborn, Bruce  
Francoeur, Sheila  
Gleason, John  
Itse, Daniel  
Katsakiores, Phyllis  
Micklon, Stephanie  
O'Neil, Michael  
Priestley, Anne  
Sapareto, Frank  
Stone, Joseph

Boynton, James  
Case, Margaret  
Corbin, Corey  
Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Rausch, James  
Shultis, Elizabeth  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Johnson, Nancy  
Smith, Marjorie  
Tsiros, William

Berube, Roger  
DeChane, Marlene  
Knowles, William  
Snyder, Clair  
Wall, Janet

Bickford, David  
Estabrook, Iris  
Pelletier, Arthur  
Spang, Judith

Brennan, William  
Gilmore, Gary  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Odell, Bob

Cloutier, John  
Rodeschin, Beverly

Ferland, Brenda

Harris, Sandra

and the motion to Lay on the Table failed.

Rep. Martin requested a roll call; sufficiently seconded.

The question being adoption of the committee of conference report.

### YEAS 169 NAYS 150

#### YEAS 169

#### BELKNAP

Flanders, Donald  
Pilliod, James  
Wendelboe, Fran

Holbrook, Robert  
Rosen, Ralph

Lawton, David  
Russell, David

Nedeau, Stephen  
Thomas, John

#### CARROLL

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

Mock, Henry

#### CHESHIRE

Fairbanks, Chandler  
Richardson, Barbara

Hunt, John  
Roberts, William

Manning, Joseph  
Royce, H Charles

Pratt, Irene  
Smith, Edwin

**COOS**

Bradley, Paula  
Horton, Lynn  
Stohl, Eric

Davis, Perley  
Mears, Edgar  
Tholl, John Jr

Gallus, John  
Pratt, Leighton  
Woodward, David

Guay, Lawrence  
Rozek, Michael

**GRAFTON**

Akins, Ralph  
Cobb, John  
Nordgren, Sharon

Alger, John  
Dudley, Terri  
Scanlan, David

Almy, Susan  
Eaton, Stephanie  
Ward, Brian

Barker, Robert  
Gilman, G Michael

**HILLSBOROUGH**

Alukonis, David  
Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Dionne, Kimberley  
Gargas, Carolyn  
Gonzalez, Carlos  
Hall, Charles  
Konys, Christine  
Leishman, Peter  
Peterson, Andrew  
Tate, Joan

Andosca, Mary  
Batula, Peter  
Calawa, Leon Jr  
Cote, Peter  
Emerton, Lawrence Sr  
Ginsburg, Ruth  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Mercer, Robert  
Reeves, Sandra  
Thulander, O Alan

Artz, Lawrence  
Bouchard, David  
Christensen, D L Chris  
Coughlin, Pamela  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Messier, Irene  
Sargent, Maxwell

Balcom, John  
Brundige, Robert  
Clegg, Robert Jr  
Dionne, David  
Foster, Linda  
Goley, Jeffrey  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
Movsesian, Lori  
Spiess, Paul

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Moore, Carol  
Swindlehurst, John

Burney, Carol  
French, Barbara  
Leber, William  
Rodd, Beth  
Whalley, Michael

Cummings, Raymond  
Gile, Mary  
Lockwood, Priscilla  
Rush, Deanna

Daneault, Gabriel  
Hess, David  
MacKay, James  
Seldin, Gloria

**ROCKINGHAM**

Belanger, Ronald  
Bridle, Russell  
Clark, Martha Fuller  
Dearborn, Bruce  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Rogers  
Major, Norman  
Norelli, Terie  
Pantelakos, Laura  
Sapareto, Frank  
Whittier, John

Bishop, Franklin  
Camm, Kevin  
Clark, Vivian  
Fesh, Bob  
Gilbert, Jeffrey  
Henderson, Warren  
Katsakiores, George  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Stone, Joseph

Blanchard, MaryAnn  
Case, Margaret  
Corbin, Corey  
Flanagan, Natalie  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, Phyllis  
Micklon, Stephanie  
O'Neil, Michael  
Rausch, James  
Varrell, Thomas

Boynton, James  
Chalbeck, Kevin  
Dalrymple, Janeen  
Flanders, John Sr  
Gleason, John  
Itse, Daniel  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Saia, Pamela  
Welch, David

**STRAFFORD**

Albert, Russell  
Gilmore, Gary  
Spang, Judith

Berube, Roger  
Johnson, Nancy  
Tsiros, William

DeChane, Marlene  
Rollo, Michael  
Wall, Janet

Estabrook, Iris  
Smith, Marjorie

**SULLIVAN**

Allison, David

Odell, Bob

Rodeschin, Beverly

**NAYS 150****BELKNAP**

Bartlett, Gordon  
Rice, Thomas Jr

Boyce, Laurie  
Wood, Jane

Czech, Stanley

Johnson, William

**CARROLL**

Babson, David Jr                      Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Liebl, George	McGuirk, Paul	Meador, David
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

**COOS**

None

**GRAFTON**

Benn, Bernard	Cooney, Mary	Gabler, William	Lovett, Sid
Marshall, Gene	Naro, Debra	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy
Bergin, Peter	Carlson, Donald	Christiansen, Lars	Clayton, William
Cote, David	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Keye, Harvey	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Melcher, Harold	Milligan, Robert
Murphy, Robert	O'Connell, Timothy	Panagopoulos, Nicholas	Salts, Greg
Schulze, Joan	Shaw, Barbara	Souza, Kathleen	Sullivan, Peter
Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Fraser, Marilyn	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Owen, Derek	Perkins, Randy	Potter, Frances	Soltani, Tony
Wallner, Mary Jane	Winter, Steven	Yeaton, Charles	

**ROCKINGHAM**

Bowles, Raimond	Carson, Sharon	Coes, Betsy	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Downing, Michael	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
McGuire, Robert	Packard, Sherman	Pitts, Jacqueline	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Ruffner, Walter	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Brennan, William	Cossette, Larry	Dunlap, Patricia
Ferland, Paul	Goodwin, Earle	Harrington, Michael	Heon, Richard
Hughes, Christopher	Kaen, Naida	Knowles, William	McCarthy, Gerald
Pelletier, Arthur	Snyder, Clair	Taylor, Kathleen	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Cloutier, John	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinify, James

and the committee of conference report was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**SENATE MESSAGE****REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT  
REQUESTS NEW COMMITTEE OF CONFERENCE**

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. The President appointed Sens. Gordon, Fernald and Barnes.

**SUSPENSION OF RULES**

Rep. Welch moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders, after the deadlines for reporting and signing off, spoke in favor and yielded to questions.

On a division vote, 258 members having voted in the affirmative and 58 in the negative, the motion was adopted by the necessary two-thirds.

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. Rep. Welch moved that the House accede to the request for a new Committee of Conference. Adopted.

The Speaker appointed Reps. Knowles, Kurk, Nedeau and Stevens.

**SENATE MESSAGE****REQUESTS NEW COMMITTEE OF CONFERENCE**

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

The President appointed Sens. Eaton, Flanders and Larsen.

**CLERK'S NOTE**

The original Committee of Conference report on **HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians, was not signed off by all conferees.

**SUSPENSION OF RULES**

Rep. Goulet moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians, after the deadlines for reporting and signing off, spoke in favor and yielded to questions.

On a division vote, 256 members having voted in the affirmative and 44 in the negative, the motion was adopted by the necessary two-thirds.

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Rep. Peterson moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Peterson, Goulet, Robertson and Schulze.

**SENATE MESSAGE****REQUESTS NEW COMMITTEE OF CONFERENCE**

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

The President appointed Sens. Prescott, Francoeur and Larsen.

**CLERK'S NOTE**

The original Committee of Conference report on **HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court, was not signed off by all conferees.

### SUSPENSION OF RULES

Rep. Phyllis Woods moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court, after the deadlines for reporting and signing off, and spoke in favor.

On a division vote, 241 members having voted in the affirmative and 65 in the negative, the motion was adopted by the necessary two-thirds.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

Rep. Mock moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Jacobson, Loren Jean, Phyllis Woods and Franklin.

### REGULAR CALENDAR (CONT'D.)

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax. (Report printed SJ 05/02/02)

Adopted.

**HB 1273-FN**, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Report printed SJ 05/02/02)

Adopted.

**HB 1298**, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex. (Report printed SJ 05/02/02)

Adopted.

**HB 1311**, relative to certain mental health records and establishing a committee to study the protection of certain medical information. (Report printed SJ 05/02/02)

Adopted.

**HB 1344-L**, establishing a village plan alternative subdivision in zoning and land use planning laws. (Report printed SJ 05/02/02)

Adopted.

**HB 1365-FN**, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community. (Report printed SJ 05/02/02)

Adopted.

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Report printed SJ 05/02/02)

Adopted.

**HB 1406**, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act. (Report printed SJ 05/02/02)

Rep. Edwin Smith yielded to questions.

Adopted.

**HB 1413**, relative to disclosure of information by hospitals. (Report printed SJ 05/02/02)

Adopted.

**HB 1429**, relative to the scope of the consumer protection act. (Report printed SJ 05/02/02)

Adopted.



**HB 1433**, prohibiting intoxication and constructive possession of alcohol by minors. (Report printed SJ 05/02/02)

Rep. Tholl yielded to questions.

On a division vote, 199 members having voted in the affirmative and 101 in the negative, the committee of conference report was adopted.

**HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Report printed SJ 05/02/02)

Adopted.

**HB 1478-FN-A**, relative to public health emergency preparation and response. (Report printed SJ 05/02/02)

Adopted.

**HB 2000**, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass. (Report printed SJ 05/02/02)

Adopted.

**HCR 28**, urging increased federal funding for quality breast cancer research. (Report printed SJ 05/02/02)

Adopted.

**HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor. (Report printed SJ 05/02/02)

Adopted.

### ENROLLED BILL AMENDMENTS

**HB 179-FN**, relative to the scope of RSA 169-B, the juvenile delinquency statute, and establishing a task force on juvenile justice service capacity.

#### Amendment (3753-EBA)

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Contingent Renumbering. If SB 445-FN of the 2002 legislative session becomes law, then RSA 169-B:19, III-b as inserted by section 1 of that act shall be renumbered as RSA 169-B:19, III-c.

Adopted.

**HB 298-FN-L**, relative to charter schools.

#### Amendment (3744-EBA)

Amend RSA 194-B:3-a, II as inserted by section 1 of the bill by replacing line 2 with the following: state board of education by the applicant for the prospective charter school no later than June 15 of

Amend RSA 194-B:11, I as inserted by section 2 of the bill by replacing line 13 with the following: such other terms as [~~the school and the funding source may find~~] *are* mutually acceptable.

Amend RSA 194-B:11, IX(a) as inserted by section 3 of the bill by replacing line 9 with the following: the date of issue or may be redeemable by the charter school at such time as the charter school or

Adopted.

**HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals.

#### Amendment (3754-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to filing fees and legislative approval of certain settlements by the attorney general.

Adopted.

**HB 556-FN-A**, relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation, and allowing the commissioner of the department of cultural resources to accept donations for purposes stipulated by the donor.

**Amendment (3745-EBA)**

Amend RSA 21-K:4-a as inserted by section 3 of the bill by replacing it with the following:

21-K:4-a Donations. The commissioner may receive and accept at any time such sums of money as may be donated for any purpose related to cultural resources. Money so received shall be converted into a continuous fund or funds, which shall not lapse, to be held by the state treasurer from which payments shall be made in accordance with the stipulations of the donor.

Adopted.

**HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund.

**Amendment (3759-EBA)**

Amend section 3 of the bill by replacing line 1 with the following:

3 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8-i, II to Adopted.

**HB 678**, relative to notice of release of an inmate from state prison.

**Amendment (3737-EBA)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2003.

Adopted.

**HB 718-FN**, relative to renewable-energy-source electricity generation and transition service.

**Amendment (3757-EBA)**

Amend RSA 374-F:3, V(f)(1) as inserted by section 4 of the bill by replacing line 1 with the following:

(f)(1) A utility may, at its discretion, allow its customers to choose a renewable energy Amend RSA 29:14, II as inserted by section 6 of the bill by replacing line 1 with the following:

*II. Any restructured utility under RSA 374-F may, at its discretion, propose*  
Adopted.

**HB 768-FN**, relative to DNA testing of criminal offenders.

**Amendment (3693-EBA)**

Amend RSA 651-C:1, V as inserted by section 1 of the bill by replacing line 2 with the following: database or CODIS for the purpose of generating investigative leads or supporting statistical

Amend RSA 651-C:1, VIII(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) "Sexual offender" also means a juvenile who has been found delinquent because Amend RSA 651-C:4, III as inserted by section 1 of the bill by replacing line 2 with the following:

entry of a DNA sample into the database where the collection and entry were made in good faith Amend RSA 651-C:5, II as inserted by section 1 of the bill by replacing line 2 with the following:

shall not be automatically expunged from the database upon that individual's reaching the age of Adopted.

**HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire and relative to exemption from local property taxes for leases of state-owned railroad properties.

**Amendment (3750-EBA)**

Amend section 1 of the bill by replacing lines 1-7 with the following:

1 Task Force Established; Membership.

I. There is established a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

II. The task force shall be composed of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members representing rail interests, one nominated by the New Hampshire Railroad Revitalization Association and appointed by the governor and one designated by the

Amend subparagraph II(d) of section 1 of the bill by replacing line 1 with the following:

(d) The director of the division of aeronautics, department of transportation, or  
Adopted.

**HB 1388**, relative to respiratory care.

**Amendment (3747-EBA)**

Amend RSA 326-E:6, III as inserted by section 2 of the bill by replacing line 2 with the following:  
under the supervision of a licensed respiratory care practitioner in this state, and:

Amend RSA 326-E:6, IV(g) and (h) as inserted by section 2 of the bill by replacing them with the following:

(g) An out of state license validation reveals information that would cause the board not to issue a license; or

(h) Actions are taken pursuant to RSA 328-F:18, V or RSA 328-F:26.

Amend RSA 326-E:7, I(g) as inserted by section 2 of the bill by replacing line 1 with the following:

(g) Keep all information confidential relating to receiving and investigating complaints

Amend RSA 326-E:8, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. This chapter shall not restrict a person licensed under any other law of this state from

Amend RSA 326-E:9, IV as inserted by section 2 of the bill by replacing line 3 with the following:  
without the prior written consent of the patient. This privilege shall not extend to cases in which the

Amend RSA 326-E:10, II as inserted by section 2 of the bill by replacing it with the following:

II. The respiratory care practitioner shall be aware of and abide by the laws of this chapter and related chapters and the regulations concerning the performance and practice of respiratory care.

Amend the bill by replacing all after section 2 with the following:

3 Allied Health Professionals; Respiratory Care. Amend RSA 328-F:2, VII to read as follows:

VII. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, ~~[VI]~~ V

4 Allied Health Professionals; Governing Boards; Rulemaking. Amend RSA 328-F:11, IV to read as follows:

IV. The governing board of respiratory care practitioners shall adopt rules as provided in RSA ~~[326-E:3]~~ **326-E:2**.

5 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

**SB 64-FN-A**, establishing a fund to pay mediators in the probate courts. (Amendment printed SJ 05/02/02)

Adopted.

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches. (Amendment printed SJ 05/02/02)

Adopted.

**SB 354**, authorizing foster parents to act as educational advocates for foster children with educational disabilities. (Amendment printed SJ 05/02/02)

Adopted.

**SB 367**, relative to the guardian ad litem board. (Amendment printed SJ 05/02/02)

Adopted.

**SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors. (Amendment printed SJ 05/02/02)

Adopted.

**SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education. (Amendment printed SJ 05/02/02)

Adopted.

**SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants. (Amendment printed SJ 05/02/02)

Adopted.

**SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety. (Amendment printed SJ 05/02/02)  
Adopted.

**SB 451**, relative to the shoreland protection act. (Amendment printed SJ 05/02/02)  
Adopted.

### **SUSPENSION OF RULES**

Rep. Scanlan moved that Rules be so far suspended to permit consideration of Committee of Conference reports without the 24-hour advance distribution and without a printing in the Calendar. Adopted by the necessary two-thirds vote.

### **REGULAR CALENDAR (CONT'D.)**

#### **COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians. (Report printed SJ 05/02/02)  
Rep. Goulet yielded to questions.  
Adopted.

**HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. (Report printed SJ 05/02/02)  
Adopted.

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. (Report printed SJ 05/02/02)  
Adopted.

### **RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 22, 2002 at 10:00 a.m.  
Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**SB 456-FN-A**, making appropriations to the department of health and human services.

### **RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and veto messages from the Governor.  
Adopted.  
The House recessed at 4:00 p.m.

### **RECESS**

**(Rep. Clegg in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 179, 253, 298, 329, 517, 523, 550, 557, 592, 631, 650, 660, 661, 678, 706, 768, 1000, 1139, 1151, 1175, 1180, 1217, 1281, and 1471, and Senate Bills numbered 64, 155, 326, 331, 334, 337, 339, 353, 358, 386, 388, 395, 399, 405, 406, 408, 412, 419, 423, 425, 437, 439, 443, 445 and 452.

Rep. Nowe, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENTS**

**HB 134**, requiring the supreme court to establish a pilot program in the superior and district courts of one county which allows each party in a civil case one challenge to the justice assigned to the case.

**Amendment (3781-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the supreme court to establish a pilot program in the superior and district courts of one county which allows each party in a civil case one challenge to the justice assigned to the case

Adopted.

**HB 587-FN-A**, establishing a commission on the status of men.

**Amendment (3772-EBA)**

Amend section 1 of the bill by replacing line 6 with the following:

juvenile services. In addition, men whose average life expectancy was formerly on a  
Adopted.

**HB 672**, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

**Amendment (3776-EBA)**

Amend RSA 415:18-a, III(a) as inserted by section 1 of the bill by replacing line 4 with the following: counselor, licensed alcohol and drug counselor, licensed marriage and family therapist, or licensed clinical social worker who

Adopted.

**HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

**Amendment (3770-EBA)**

Amend RSA 651:5, VI-a as inserted by section 1 of the bill by replacing line 1 with the following:

VI-a. A conviction for an offense committed under the laws of  
Adopted.

**HB 1156**, relative to the issuance of building permits on private roads, relative to the building code for modular housing, and relative to the membership of the state building code review board.

**Amendment (3767-EBA)**

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Erection of Buildings on Class VI Highways. Amend RSA 674:41, I(c)(3) to read as follows:  
(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds[-]; *or*

Adopted.

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state and relative to the naming of the regional community-technical college system.

**Amendment (3771-EBA)**

Amend RSA 188-E:14, IV as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

for the planning, construction, and renovation of equipment necessary for the operation of pre-engineering technology curriculum in the regional vocational education centers.

Amend RSA 188-E:16, I (d) as inserted by section 1 of the bill by replacing it with the following:

(d) The president of the New Hampshire technical institute, or designee.

Adopted.

**HB 1298**, naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen Sate Office Complex.

**Amendment (3779-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office complex.

Adopted.

**HB 1299-FN**, establishing a committee to study the creation of a marriage education and enhancement program.

**Amendment (3764-EBA)**

Amend section 6 of the bill by replacing it with the following:

6 Effective Date. This act shall take effect upon its passage.

Adopted.

**HB 1318**, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

**Amendment (3769-EBA)**

Amend RSA 327:1, III(k) as inserted by section 1 of the bill by replacing line 1 with the following:

*(k) Anti-glaucoma agents which are topically applied provided that an optometrist*

Amend RSA 327:6-b, I as inserted by section 2 of the bill by replacing line 12 with the following: the committee shall be filed in writing with the chairperson at least 30 days prior to the scheduled

Amend RSA 327:6-c, I(b) as inserted by section 3 of the bill by replacing line 2 with the following: educational components listed in subparagraph (a). Upon passage of such exam, an optometrist

Amend RSA 327:6-c, II(b) as inserted by section 3 of the bill by replacing line 1 with the following:

(b) Except as provided in paragraph III, therapeutic pharmaceutical agent certified

Adopted.

**HB 1348**, clarifying the law regarding title-exempted vehicles, permitting owners of antique motor vehicles to obtain certificates of title, relative to farm tractor plates, and relative to registration fees for certain off highway recreational vehicles.

**Amendment (3775-EBA)**

Amend section 5 of the bill by replacing lines 3 and 4 with the following:

III. Individual nonresident registration-[§36] **\$61** for each 2-wheeled trail bike registration, [§60] \$90 for each snow traveling vehicle registration, or [§45] **\$70** for each other OHRV registration

Adopted.

**HB 1366-FN**, establishing a state employee recognition and award program.

**Amendment (3774-EBA)**

Amend RSA 99-E:3, II as inserted by section 2 of the bill by replacing line 2 with the following: the legislative budget assistant in writing whether it intends to implement the proposal or whether

Amend RSA 99-E:4, II as inserted by section 2 of the bill by replacing line 3 with the following: shall be paid from the general fund, and the governor is authorized to draw a warrant for the award

Amend RSA 99-E:6 as inserted by section 2 of the bill by replacing line 1 with the following:

99-E:6 Entitlement. No person shall have any vested rights to recognition or award under

Adopted.

**HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances.

**Amendment (3777-EBA)**

Amend RSA 631:4, I (e) as inserted by section 7 of the bill by replacing line 2 with the following: *use of a biological or chemical substance*, with a purpose to cause evacuation of a building, place

Amend RSA 644:3, I as inserted by section 8 of the bill by replacing line 5 with the following: ~~false reports under RSA 158:38~~; *except if the report concerns the presence of a biological or*

Adopted.

**HB 1446**, relative to the recitation of the pledge of allegiance in the public schools.

**Amendment (3765-EBA)**

Amend section 2 of the bill by replacing lines 2 and 3 with the following:  
inserting after section 15-b the following new section:

194:15-c New Hampshire School Patriot Act.

Adopted.

**HB 1449-A**, establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

**Amendment (3749-EBA)**

Amend subparagraph II(e) as inserted by section 3 of the bill by replacing line 2 with the following:  
report regarding its progress and findings on or before November 1 of each year of their existence  
Amend subparagraph III(a) as inserted by section 3 of the bill by replacing line 7 with the following:  
period of an additional 30 days. The department shall consider the public comments received in any  
Adopted.

**HB 1467-FN**, relative to the cost of vaccines.

**Amendment (3766-EBA)**

Amend RSA 126-Q:4, III as inserted by section 2 of the bill by replacing line 1 with the following:  
III. For any year in which the total non-federal program cost exceeds 50 percent of the  
Adopted.

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services.

**Amendment (3768-EBA)**

Amend RSA 158:29, XI as inserted by section 4 of the bill by replacing line 1 with the following:  
XI. "Explosives", "*high explosive or explosive substance*" shall mean any [chemical  
Adopted.

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants. (Amendment printed SJ 05/02/02)  
Adopted.

**SB 392**, relative to the regulation of revolving credit plans. (Amendment printed SJ 05/02/02)  
Adopted.

RECESS

(Rep. Estabrook in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 207, 1252, 1268, 1349, 1356, 1357, 1361, 1390, 1393, 1407, 1415, 1420, 1451, 1456, and Senate Bills numbered 354, 367, 422, 441 and 456.

Rep. Nowe, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENT**

**HB 1377-FN**, relative to the regulation of physical therapists.

**Amendment (3785-EBA)**

Amend RSA 328-A:5, I(e) as inserted by section 1 of the bill by replacing line 1 with the following:  
(e) Have maintained a current level of professional knowledge in physical therapy for a  
Amend RSA 328-A:5, IV(e) as inserted by section 1 of the bill by replacing it with the following:  
(e) Have maintained a current level of professional knowledge in physical therapy for a  
period of one year prior to filing.

Amend RSA 328-A:9, VI as inserted by section 1 of the bill by replacing line 2 with the following: administered upon the prescription of an appropriately licensed health care practitioner, as part of the Amend RSA 328-A:12, I as inserted by section 1 of the bill by replacing line 5 with the following: description of services that incorporates one or more of the terms, designations, or abbreviations in Amend RSA 328-A:15, VIII as inserted by section 1 of the bill by replacing lines 1-4 with the following:

VIII. The board shall keep all information relating to receiving and investigating complaints filed against licensees confidential until the information becomes public record or as required by law. Patient records, including clinical records, files, any other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's Amend section 2 of the bill by replacing line 1 with the following:

2 Definition; Physical Therapy. Amend RSA 328-F:2, V to read as follows:

Amend section 5 of the bill by replacing line 2 with the following:

who, prior to the effective date of this act, legally used the terms, designations, or abbreviations listed

Amend section 5 of the bill by replacing line 5 with the following:

under RSA 328-A:10, II or RSA 328-A:12, I as inserted by this act. Following the one-year period, Adopted.

## RECESS

### (Rep. Pilliod in the Chair) ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 134, 439, 556, 587, 672, 718, 1147, 1156, 1218, 1231, 1299, 1318, 1366, 1388, 1423, 1446, 1449, 1467 and 1472, and Senate Bills numbered 360, 392, 403 and 451.

Rep. Nowe, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENTS

**HB 447**, establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; and relative to the judicial conduct commission and making an appropriation therefor.

#### Amendment (3788-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; establishing a committee to study issues related to shorthand court reporting; and relative to the judicial conduct commission and making an appropriation therefor

Adopted.

**HB 465**, relative to lobbying activities of the New Hampshire Bar Association.

#### Amendment (3778-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification.

Amend RSA 311:7-g, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. Nothing in this section shall prevent officers and members of the New Hampshire Bar Adopted.

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.

#### Amendment (3791-EBA)

Amend RSA 458-B:2, I(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) Where there is a written agreement between the obligor and obligee and such agreement is approved by the Adopted.



**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts.

**Amendment (3796-EBA)**

Amend section 5 of the bill by replacing line 2 with the following:

RSA 9-A:2 by inserting after paragraph III the following new paragraph:

Amend RSA 9-B:6, V as inserted by section 7 of the bill by replacing line 1 with the following:

V. An assessment of how state agencies are complying with the goals and objectives

Adopted.

**HB 1210**, relative to training to be an esthetician and an advanced esthetician.

**Amendment (3794-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to barbering, cosmetology, and esthetics.

Amend RSA 313-A:1, VIII as inserted by section 1 of the bill by replacing lines 7-10 with the following:

of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; *or*

*(d) Providing pedicure services, including therapeutic skin and nail care treatments for the foot, beautifying the foot, and massaging, cleansing, or stimulating the foot by means of the hands, devices, apparatus, or appliances, with the use of cosmetic*

Amend RSA 313-A:13 as inserted by section 2 of the bill by replacing line 9 with the following: Credit towards *the* hours requirement for esthetician training may be given to a licensed cosmetologist

Adopted.

**HB 1235**, relative to operation of motorized vessels and safe boater education and relative to fill and dredge in wetlands.

**Amendment (3792-EBA)**

Amend line 2 of section 14 of the bill by replacing it with the following:

RSA 482-A:2 by inserting after paragraph VII the following new paragraphs:

Amend line 1 of RSA 482-A:2, VIII (b), as inserted by section 14 of the bill, by replacing it with the following:

(b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide,

Amend line 4 of RSA 482-A:2, IX, as inserted by section 14 of the bill, by replacing it with the following:

landings, or stairs are installed, erected, or constructed without regrading or recontouring of the

Amend line 1 of RSA 482-A:3, IV-a (h), as inserted by section 15, of the bill by replacing it with the following:

(h) Installed in a manner which requires no modification, regrading, or recontouring of

Amend line 1 of section 16 of the bill by replacing it with the following:

16 Fill and Dredge of Wetlands; Dwellings Over Water; Existing Dwellings. Amend RSA 482-A:26, Adopted.

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax, relative to the exception from the meals and rooms tax for gratuities, and relative to appeals for redetermination or reconsideration of assessments or demands for payment made by the department of revenue administration.

**Amendment (3789-EBA)**

Amend RSA 87:27 as inserted by section 1 of the bill by replacing line 2 with the following:

the court, but the certificate of the department of revenue administration, as provided in RSA 87:26, Adopted.

**HB 1273-FN**, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

**Amendment (3795-EBA)**

Amend RSA 215-A:3, IX as inserted by section 5 of the bill by replacing lines 6-8 with the following:

[and to] the [chairperson] *chairpersons* of the wildlife and recreation committee, *the ways and*

*means committee, and any other appropriate committee* of the senate, *and the state library* which details their ~~[agency's performance]~~ *agencies' activities* relating to OHRV programs during the previous year. *Such*

Amend RSA 215-A:19, VIII as inserted by section 6 of the bill by replacing lines 2-3 with the following:

successfully completes an OHRV training program, at that person's own expense, shall have his or her \$200 refunded to him or her from the fish and game fund by the executive director.

Amend RSA 215-A:23, III as inserted by section 8 of the bill by replacing lines 1-2 with the following:

III. Individual nonresident registration-~~[\$36]~~ *\$61* for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ *\$70* for each other OHRV registration.

Amend RSA 215-A:23, VI(b) as inserted by section 9 of the bill by replacing lines 5-9 with the following:

~~be open to the general public.~~ Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his *or her* property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. ~~[The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.]~~ *Use of trails on private land shall*

Amend RSA 215-A:24 as inserted by section 12 of the bill by replacing lines 2-5 with the following: his *or her* duly authorized agents, such agent shall collect from the registrant a fee of ~~[\$1]~~ *\$2* in addition to the fee prescribed by RSA 215-A:23. Each application for registration of an OHRV shall have printed thereon the words and figures, "agent's fee ~~[\$1]~~ *\$2*." Such agent shall retain the additional fee as compensation for his *or her* services in connection with the issuance of such registration, except that, if the Amend section 14 of the bill by replacing line 2 with the following:

RSA 215-A:29, II(a) to read as follows:

Amend section 15 of the bill by replacing line 2 with the following:

215-A:29, V and VI to read as follows:

Amend section 16 of the bill by replacing line 1 with the following:

16 New Subdivision; Off Highway Recreational Vehicles and Trails; ATV and Trail Bike

Amend RSA 215-A:42, II(c) as inserted by section 16 of the bill by replacing line 2 with the following: to subparagraph I(b) require such closure.

Amend section 17 of the bill by replacing line 1 with the following:

17 Liability Insurance. Amend RSA 260:61, II to read as follows:

Amend section 21 of the bill by replacing lines 1-3 with the following:

21 State-Owned ATV and Trail Bike Trail. Within 90 days of the effective date of this section, the commissioner of the department of resources and economic development shall select, using the coarse filter criteria of RSA 215-A:43, I, one site on state public lands that is suitable for

Amend paragraph I of section 22 of the bill by replacing line 3 with the following:

plan shall be updated every 5 years thereafter. The plan shall emphasize development of self-

Amend section 24 of the bill by replacing line 2 with the following:

department of fish and game the position of contract administrator who

Amend the bill by replacing all after section 28 with the following:

29 Contingency. If HB 1348 of the 2002 legislative session becomes law, sections 7 and 8 of this act shall not take effect. If HB 1348 of the 2002 legislative session does not become law, sections 7 and 8 of this act shall take effect July 1, 2002.

30 Effective Date.

I. Sections 7 and 8 of this act shall take effect as provided in section 29 of this act.

II. The remainder of this act shall take effect July 1, 2002.

Adopted.

**HB 1344-L**, establishing a village plan alternative subdivision in zoning and land use planning laws.

#### **Amendment (3786-EBA)**

Amend RSA 674:21, VI(a) as inserted by section 2 of the bill by replacing line 8 with the following:

community growth occurs; and finally, to provide owners of private property with a method for

Amend RSA 674:21, VI (c) as inserted by section 2 of the bill by replacing line 12 with the following:

original lot unless provisions contained within the political subdivision's land use regulations provide a

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

Amend RSA 674:36, II by inserting after subparagraph (k) the following new subparagraph:

(l) Provide for efficient and compact subdivision development which promotes retention

Adopted.

**HB 1406**, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, creating a committee to study the New Hampshire national guard education assistance act, and relative to the capital appropriation for the renovation and expansion of state armories.

#### **Amendment (3793-EBA)**

Amend RSA 463:18-a, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Name and address of the person nominated the guardian.

Amend subparagraphs II(a) of (5) and (6) section 4 of the bill by replacing them with the following:

(5) One member to represent the university system of New Hampshire, appointed by that organization.

(6) One member to represent the department of regional community-technical colleges, appointed by that organization

Adopted.

**HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders, and requiring certain sexual offenders and offenders against children to report any changes to such person's place of employment or schooling.

#### **Amendment (3790-EBA)**

Amend RSA 651-B:6, II as inserted by section 2 of the bill by replacing line 3 with the following:

RSA 633:3[;] *or* 645:2, I [~~or 649-A:3, II~~], or of an equivalent offense in an out-of-state jurisdiction, Amend RSA 651-B:5, III as inserted by section 4 of the bill by replacing lines 10-11 with the following:

employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the

Adopted.

**HB 1433**, prohibiting intoxication and constructive possession of alcohol by minors.

#### **Amendment (3782-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting intoxication from consumption of alcoholic beverages by minors.

Adopted.

**SB 161-FN-A**, relative to specialized treatment for certain individuals and making an appropriation therefor. (Amendment printed SJ 05/02/02)

Adopted.

**SB 182-FN-A**, establishing a brain injury program and making an appropriation therefor. (Amendment printed SJ 05/02/02)

Adopted.

**SB 442-FN**, establishing a committee to study revising the statutes relative to the state militia and the state guard, making certain technical changes to the militia statutes, and creating 2 funds. (Amendment printed SJ 05/02/02)

Adopted.

### **RECESS**

**(Rep. Clegg in the Chair)**

### **ENROLLED BILL AMENDMENT**

**HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety and emergency management.

#### **Amendment (3797-EBA)**

Amend the introductory paragraph of RSA 21-P:12 as inserted by section 1 of this act by replacing line 14 with the following:

functions, in accordance with applicable law:

Amend RSA 4:45, III(d) as inserted by section 4 of this act by replacing lines 3-4 with the following: shall be upon charges after service upon such person of a copy of such charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the

Amend section 8 of the bill by replacing line 1 with the following:

8 Transportation of High-Level Radioactive Waste; Coordination with Other Agencies;

Amend the bill by deleting section 10 and renumbering the original sections 11-16 to read as sections 10-15, respectively.

Amend section 13 of the bill by replacing line 1 with the following:

13 Salary; Coordinator of Emergency Management. Amend RSA 94:1-a, I(b) by inserting in grade

Amend 21-P:41, II as inserted by section 7 of this act by replacing line 3 with the following:

his or her duties as such, practice such professional, mechanical, or other skill during an emergency. Adopted.

## RECESS

(Rep. Thomas in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 1478-FN-A**, relative to public health emergency preparation and response.

#### Amendment (3798 -EBA)

Amend RSA 107-C:17, V as inserted by section 3 of the bill by replacing line 3 with the following: investigation pursuant to paragraph IV. Such care may include immunization of individuals as

Amend RSA 141-C:11, I as inserted by section 20 of the bill by replacing line 12 with the following: isolation and quarantine as [he] *the commissioner* may deem best for protecting the health of the public.

Amend the bill by replacing section 22 with the following:

22 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

23 New Subdivision; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 21-P by inserting after section 48 the following new subdivision: Public Health Emergency Management Powers; Oversight Committee

21-P:49 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C; provided, that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

IV. The commissioner may investigate any incident or imminent threat of any disease or health condition that may be caused by a natural disaster, radiation or chemical exposure, or the intentional use of any microorganism, infectious substance, or naturally occurring or manufactured biological

product, that poses a risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such investigations may include requiring information from any health care provider or other person affected by or having information related to the incident or threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples collected during the course of such inspections, and requiring a physical examination and the provision of specimens of body secretions, excretions, fluids and discharges for laboratory examination of any person having a disease or health condition that necessitates an investigation under this paragraph.

V. The commissioner may order a person to undergo such medical care as may be necessary to treat or prevent an incident or threat of disease or other health condition prompting an investigation pursuant to paragraph IV. Such care may include immunization of individuals as necessary to prevent the spread of contagious disease.

VI. Any order compelling an investigation, physical examination, the provision of specimens, medical treatment or care, or immunization, and any other order of the commissioner under this chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

VII. The department of health and human services shall acquire and retain only the minimum amount of information, specimens, and samples relating to individuals necessary to carry out its obligations under this section. Any genetic testing of specimens and samples shall be limited to the viruses, bacteria, fungi, or other micro-organisms therein.

21-P:50 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

21-P:51 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

(a) Six members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house.

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.

(b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.

(c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.

(d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year, beginning November 1 of 2003.

24 Repeals. The following are repealed:

I. RSA 21-P:49, relative to public health powers and duties.

II. RSA 21-P:50, relative to safe disposal of corpses.

25 Contingency.

I. If HB 1461-FN of the 2002 legislative session becomes law, sections 2, 3, 18, and 21 of this act shall not take effect, and sections 22 and 23 of this act shall take effect July 1, 2002 at 12:01 a.m. and section 24 of this act shall take effect July 1, 2004.

II. If HB 1461-FN of the 2002 legislative session does not become law, sections 22-24 of this act shall not take effect, and sections 2, 3 and 18 of this act shall take effect July 1, 2002 and section 21 of this act shall take effect July 1, 2004.

26 Effective Date.

I. Sections 2, 3, 18 and 21-24 of this act shall take effect as provided in section 25 of this act.

II. Section 25 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2002.

Adopted.

**HB 617**, relative to additional exceptions to junk yard regulation.

#### **Amendment (3780-EBA)**

Amend section 1 of the bill by deleting line 3.

Amend the bill by replacing line 4 of section 1 with the following:

I. Except as provided by ~~[paragraph]~~ **paragraphs II and III**, the provisions of this subdivision shall apply

Adopted.

#### **RECESS**

**(Rep. Guay in the Chair)**

#### **ENROLLED BILL AMENDMENT**

**HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process.

#### **Amendment (3799-EBA)**

Amend RSA 6:12, I(nnnn) as inserted by section 2 of the bill by replacing it with the following:  
(nnnn) Moneys deposited in the court facilities escrow fund under RSA 490:26-c.

Amend RSA 6:12, I(tttt) as inserted by section 2 of the bill by replacing it with the following:

(tttt) Moneys deposited in the Pease Development Authority Airport Fund under RSA 12-G:36.

Amend RSA 6:12, I(uuuuu) as inserted by section 2 of the bill by replacing line 2 with the following:  
endowment trust fund under RSA 6:38.

Amend RSA 6:12, I(vvvvv) as inserted by section 2 of the bill by replacing it with the following:  
(vvvvv) Moneys deposited in the trust fund for the New Hampshire land and community heritage investment trust program under RSA 227-M:7.

Amend RSA 6:12, I(xxxxx) as inserted by section 2 of the bill by replacing it with the following:  
(xxxxx) Moneys deposited in the nuclear decommissioning financing fund under RSA 162-F:19.

Amend RSA 6:12, I(jjjjj) as inserted by section 2 of the bill by replacing it with the following:  
(jjjjj) Moneys deposited in the water pollution control and drinking water revolving loan fund under RSA 486:14.

Amend RSA 6:12, I(nnnnnn) as inserted by section 2 of the bill by replacing it with the following:  
(nnnnnn) Moneys deposited in the Benjamin Thompson trust fund under RSA 11:6.

Amend RSA 6:12, I(bbbbbbb) as inserted by section 2 of the bill by replacing line 2 with the following:  
RSA 422:6.

Amend RSA 6:12, I(ggggggg) as inserted by section 2 of the bill by replacing it with the following:  
(ggggggg) Moneys deposited in the Cheshire bridge toll account under 1988, 251:4-a, as inserted by 1991, 318:5 and amended by 2000, 69:2.

Amend RSA 6:12, I(ccccccc) as inserted by section 2 of the bill by replacing line 1 with the following:  
(ccccc) Moneys deposited in the alcoholism and alcohol abuse account

Amend RSA 6:12, I(ccccccc) as inserted by section 2 of the bill by replacing it with the following:  
(ccccc) Moneys deposited in the electricians' board account under RSA 319-C:11.

Amend the bill by replacing all after section 5 with the following:

6 Authorization for Contingent Renumbering. If any other act of the 2002 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2002 session laws.

7 State Treasurer and State Accounts; Guardian Ad Litem Fund. RSA 6:12, I (mmmm) is repealed and reenacted to read as follows:

(mmmm) Moneys deposited in the mediator and guardian ad litem fund under RSA 458:17-b.

8 Contingency. If HB 706 of the 2002 legislative session becomes law, section 7 of this act shall take effect July 1, 2003. If HB 706 of the 2002 legislative session does not become law, section 7 of this act shall not take effect.

9 Effective Date.

I. Section 7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect July 1, 2002.

Adopted.

RECESS

**(Rep. Francoeur in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 180, 447, 465, 559, 1106, 1134, 1264, 1270, 1298, 1311, 1344, 1348, 1365, 1377, 1396, 1406, 1413, 1426, 1429, 1433 and 2000 and Senate Bills numbered 140, 161, 182, 300, 301, 318 and 366.

Rep. Nowe, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Patten in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 213, 617, 712, 1210, 1235, 1273, 1364, 1461 and 1478 and Senate Bills numbered 124 and 442.

Rep. Nordgren, Sen. D'Allesandro for the Committee

RECESS

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 15**

Wednesday, May 22, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O eternal God, bless all schools, colleges and universities within the borders of our beloved New Hampshire that they may be lively centers for sound learning, new discovery, and the pursuit of wisdom. Grant to all who graduate into the next step of their lives and careers this year the grace to follow their dreams and to become productive and compassionate citizens.

We especially thank You for all teachers and support staff who create an environment of learning for all who seek the truth wherever it may lead. We thank You for those who risk their lives daily to defend the freedoms we cherish. May we never forget their willing sacrifice nor our responsibility to seek justice and peace for all people.

Please bless the work of this honorable House and all those who serve here in democracy's noble cause. Amen.

Rep. Perley E. Davis led the Pledge of Allegiance.

Reps. Gorman and Sapareto led the House in singing The National Anthem.

**LEAVES OF ABSENCE**

Reps. Belanger, Case, Crosby, Frank Davis, Feuerstein, Langer, Pepino and Seldin, the day, illness. Reps. Akins, Arndt, Vivian Clark, Desrosiers, Dunlap, Edwards, Donald Flanders, Golding, Ham, Harrington, Stephen L'Heureux, Marshall, McHugh, McKinney, Moran, Norelli, O'Keefe, Rodeschin, Rosen, Rozek, Teschner, Tholl, Burton Williams and Woodward, the day, important business.

Rep. Berube, the day, death in the family.

**INTRODUCTION OF GUESTS**

Kathy Scanlan and Carole Darraugh, wife and mother-in-law of Rep. Scanlan. Petty Officer 1<sup>st</sup> Class J. Kyle Carlson, son of Rep. Carlson. Larry Ross, guest of Rep. Leach. John Chamberlin, guest of the Hanover delegation. George Andosca and Barbara Ritch, husband and guest of Rep. Andosca. Charlene Kane, daughter of Rep. Cecelia Kane. Robert Duhaime, Richard Freeman, Gordon Kemp and James Lawn, guests of Rep. Dyer.

**COMMUNICATION**

May 15, 2002

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack 13, Robert O. Ouellette, r, Franklin, (5-B Orchard Street) 03235

William M. Gardner, Secretary of State

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 298**

May 15, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 298, an Act relative to charter schools.

As a state senator, I voted for New Hampshire's existing charter school law and I believe that well designed and operated charter schools can complement the education now provided in our public school systems. Unfortunately, House Bill 298 is not a constructive step toward the goal of opening charter schools in New Hampshire.



By cutting local voters out of the approval process for charter schools, H.B. 298 violates our long tradition of local control of public schools. By draining money from our existing public schools, H.B. 298 jeopardizes the progress our communities are making in improving their schools. Moreover, as drafted, H.B. 298 may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments. And, by repealing the statutory right of citizens to bring complaints about the operations of a charter school to the State Board of Education, H.B. 298 leaves aggrieved parents and taxpayers without any effective remedy.

Most of the bill's problems stem from the removal of local voters from the charter school approval process. Under our existing charter school law and under H.B. 298, most of the money that will support a charter school comes from the transfer of funds from local school districts to the charter school. Under current law, before such a school is created, the voters in the charter school's community have to vote to approve the school's plans. Under H.B. 298, however, local voters are cut out of the process completely. Charter school applicants can bypass local voters and proceed directly to the State Board of Education for approval. Furthermore, the State Board of Education is not required under H.B. 298 to notify the local school board of a charter school application, and the local school board is not given an opportunity to participate in any hearings on an application pending before the State Board.

The bill's supporters have argued that the money being transferred to a charter school under H.B. 298 is the State's "adequacy" money, not money raised by local tax dollars, and, therefore, local voters are not entitled to have a role. I disagree. Removing a student from a school's rolls does not automatically lower a school's operating costs. While there may be modest savings in supplies, such as paper and pencils, most of the school's fixed costs will stay the same. The reallocation of adequacy money to a charter school will force school districts to choose between increasing local school property taxes or decreasing the resources available to their existing public schools.

It is one thing to establish a charter school that has these types of financial implications for local school districts if the local voters approve the charter school. It is quite another to impose such a school on local property taxpayers without giving them any say at all. I simply cannot support such a complete subversion of local control.

Because local school districts have no say in the approval of charter schools under H.B. 298, two sections of the bill may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments.

While the bill's supporters assert that the transfer of funds from the local school district to the charter school will be limited to the State's per pupil adequacy allocation, the language in H.B. 298 actually would allow the State Board of Education to approve a charter school's request that the local school districts pay a higher amount to the charter school. This language reads: "the pupil's resident district shall pay to such [charter] school tuition in an amount *not less than* the base cost per pupil as determined in RSA 198:40 as adjusted for grade level weights as determined in RSA 198:38." Any "tuition" approved by the State Board *greater than* the adequacy cost would be paid from local property taxes. The second constitutional defect in H.B. 298 centers on its requirement that a local school district pay the special education costs for a student attending a charter school. This puts local school districts in the position of being forced to duplicate costly special education programs.

Finally, H.B. 298 eliminates the right of a parent or taxpayer to bring a complaint about the operations of a charter school to the State Board of Education. Under H.B. 298, a person dissatisfied with a charter school is limited to bringing a complaint to the charter school's "board of trustees." While many charter schools that have been established in other states have been successful, unfortunately, there also have been many instances of financial and operational mismanagement of charter schools. The extremely limited grievance process provided for in H.B. 298 is unacceptable in matters involving the education of our children and the expenditure of taxpayers' dollars.

I am today signing House Bill 1281, which establishes a commission to study public educational choice initiatives. I hope that this commission will develop a proposal that will encourage the creation of charter schools without the serious flaws contained in H.B. 298.

Respectfully submitted,  
Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 298**, relative to charter schools, become law?

Reps. Hunt and Henderson spoke in favor.

As required by the State constitution, a roll call was taken.

**YEAS 184 NAYS 145****YEAS 184****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Johnson, William  
Rice, Thomas Jr

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Millham, Alida  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

Fairbanks, Chandler  
Roberts, William

**COOS**

Gallus, John

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Mirski, Paul

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Dokmo, Cynthia  
Fields, Dennis  
Gargas, Carolyn  
Guinta, Frank  
Hopper, Gary  
Lessard, Rudy  
Pappas, Marc  
Salts, Greg  
Tate, Joan

Alukonis, David  
Balcom, John  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Gleneck, David  
Hall, Charles  
Jean, Loren  
Martel, Andre  
Peterson, Andrew  
Sargent, Maxwell  
Thulander, O Alan

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Mercer, Robert  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Milligan, Robert  
Rowe, Robert  
Sullivan, Peter  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
MacKay, James  
Whalley, Michael

Colcord, J D  
Hutchinson, John  
Maxfield, Roy  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
Ouellette, Robert

Dunne, Christopher  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Bishop, Franklin  
Camm, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr

Bowles, Raimond  
Carson, Sharon  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert

Boynton, James  
Chalbeck, Kevin  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert

Bridle, Russell  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers

Katsakiores, George  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Stritch, C Donald  
Whittier, John

Katsakiores, Phyllis  
Langley, Jane  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Varrell, Thomas

Kelley, Jane  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Ruffner, Walter  
Welch, David

Kelley, William  
Major, Norman  
O'Neil, Michael  
Quandt, Marshall  
Sloan, Stephen  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Musler, George

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

### NAYS 145

### BELKNAP

Pilliod, James

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Espiefs, Peter  
Pratt, Irene  
Zerba, Roger

### COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley  
Stohl, Eric

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

### HILLSBOROUGH

Andosca, Mary  
Clayton, William  
Craig, James  
Dwyer, Paul  
Goley, Jeffrey  
Jean, Claudette  
LaRose, Richard  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Sweeney, Cynthia

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Movsesian, Lori  
Panagopoulos, Nicholas  
Tahir, Saghir

Bellavance, Paul  
Cote, David  
Dionne, David  
Foster, Linda  
Graham, John  
Kacavas, John  
Leach, Edward  
McDonough-Wallace, Alice  
Murphy, Robert  
Schulze, Joan  
White, John

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Melcher, Harold  
O'Connell, Timothy  
Shaw, Barbara  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Owen, Derek  
Rush, Deanna

Brewster, Richard  
Fraser, Marilyn  
Jacobson, Alf  
Perkins, Randy  
Wallner, Mary Jane

Burney, Carol  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Yeaton, Charles

Clarke, Claire  
Gile, Mary  
Moore, Carol  
Rodd, Beth

### ROCKINGHAM

Blanchard, MaryAnn  
Downing, Michael  
McGuire, Robert  
Robertson, Carl  
Trueman, Raymond

Clark, Martha Fuller  
Hutchinson, Karen  
Micklon, Stephanie  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Cooney, Richard  
Kane, Cecelia  
Pitts, Jacqueline  
Shultis, Elizabeth  
Zolla, William

DiFruscia, Anthony  
Langone, John  
Power, Lucille  
Splaine, James

**STRAFFORD**

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Tsiros, William	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 420**

April 3, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 420, an act apportioning state representative districts.

I am vetoing this bill because it grossly deviates from the constitutional requirement that districts be as equal in population as possible; it is internally inconsistent in its treatment of different areas in the state; and it unnecessarily changes the form and boundaries of existing districts.

House Bill 420 violates Part II, Article 9 of the New Hampshire Constitution, which requires districts in the House of Representatives to "be as equal as circumstances shall admit." For citizens in a representative democracy like ours, the right to vote is a precious right, but that right is empty unless we ensure that each vote is counted and counted equally. Unfortunately, H.B. 420 sets up districts that are far from any measure of equality and thus are unconstitutional.

The population of the State is 1,235,786 according to the census conducted in 2000. A straight division of the State into 400 single-member districts would have each district contain 3,089 people. H.B. 420 would create a redistricting scheme of House districts that vary in population to such a degree that they would represent serious threats to the voting rights of thousands of New Hampshire citizens. Far from creating districts in which each member of the House would represent 3,089 people, H.B. 420 would create districts with large differences in the number of people represented by each House member. The smallest of H.B. 420's districts falls 14.4% below the ideal and the largest exceeds the ideal by 8%.

The difference between the high and low is called the "range of deviation" and the 22.4% range of deviation created by H.B. 420 is unacceptably high. It is substantially higher than the 14.5% total range of deviation in the current House redistricting statute at the time it was adopted ten years ago. It is also significantly higher than the ranges of deviation for alternative plans that were presented to the House Redistricting Committee and the House Election Law Committee, as well as an amendment offered on the floor of the Senate. Unfortunately, the majority party rejected all of the lower-deviation alternatives.

The United States Supreme Court has, on more than one occasion, held that redistricting plans with deviations of greater than ten percent represent prima facie cases of unconstitutional voting rights violations, unless the deviations are required by the need to advance rational state policies. There is no legitimate state policy that requires deviations of such magnitude. Indeed, as stated above, there are a number of alternative plans that would create districts with much smaller ranges of deviation. Floterial districts lie at the heart of many of the problems with H.B. 420. A floterial district is one that crosses municipal or ward lines and allows one community to share representation with one or more contiguous places. In some counties, H.B. 420 creates unnecessary floterial districts. In others, House Bill 420 fails to create floterial districts where they clearly are warranted. There are 32 floterial districts in current law and H.B. 420 would increase that number to 43. In one extreme example, H.B. 420 lays a floterial district on top of the entire City of Nashua, creating a district in which one House member will have more than 86,000 constituents. Thus, that single House district is one-and-one-half times greater in size than the population of a state senate district.

H.B. 420 unnecessarily treats similar situations in different parts of the State quite differently. For example, under H.B. 420 the citizens of the cities of Claremont and Laconia will be under-represented because those two cities are treated differently than similarly situated towns. Claremont, with a population of 13,151, is given four representatives in H.B. 420, despite the fact Claremont's population is 795 above the ideal population for four representatives. Laconia, with a population of 16,411, is given five representatives, despite the fact its population is 966 above the ideal population for five representatives. H.B. 420 creates no flotal districts to deal with those two clear situations of under-representation, despite the fact that the majority created flotal districts for similarly situated citizens in Hollis and Raymond. Nor can the majority party's rationale for denying full representation to the citizens of Claremont and Laconia withstand any objective scrutiny. The majority contended that Claremont and Laconia would dominate surrounding smaller towns in a flotal district. However, H.B. 420 places the following large towns in flotal districts with much smaller neighbors: Milford (population 13,535 in a flotal with a total of 18,575); Goffstown (16,929 out of 24,705); Amherst (10,769 out of 12,803); and Londonderry (23,236 out of 33,945). H.B. 420 unnecessarily changes the form and boundaries of existing districts. This is especially a problem in Cheshire County. Despite the fact that population shifts over the last 10 years only cause Cheshire County to lose one seat in the House of Representatives, H.B. 420 changes the representation of every single community in Cheshire County, with new combinations in every multi-town and flotal district.

Moreover, H.B. 420 targets certain incumbents, despite the fact one of the criteria for redistricting set forth in the House Redistricting Committee was to avoid altering incumbent districts if possible. For example, H.B. 420 targets a member of House Democratic Leadership and one of the only four Democrats in the Hillsborough County delegation outside of the cities of Manchester and Nashua by placing her home town of Mont Vernon in two overlapping flotal districts – one with the town of Amherst, which is five times the size of Mont Vernon; the other with the towns of New Boston and Lyndeborough. The creation of this particular overlapping flotal district was done despite the fact there were better alternatives and despite the fact the Republican leadership of the House Redistricting Committee on more than one occasion questioned the constitutionality of overlapping flotal districts. Indeed, the House Redistricting Committee rejected a proposal for overlapping flotal districts in the City of Laconia and a proposal for overlapping flotal districts in the City of Claremont, both offered by members of the minority party. Such inconsistency in redistricting is unacceptable. It highlights the willingness of the majority to bend a supposed rule when it suits the purpose of limiting minority party representation. In Coos County, despite the fact that there is a sufficient number of people to support a single-member district in greater Northumberland ("Groveton") and a single-member district in Lancaster, H.B. 420 would combine Groveton with Lancaster in a two-seat district. This combination is designed to force a Democratic incumbent to run against two Republican incumbents. Because H.B. 420 is unconstitutional, fundamentally unfair, and internally inconsistent, I am compelled to veto this legislation.

I urge the House to take up my veto quickly. Alternatives that would satisfy the requirement for equal representation and fairness have been presented, and can be considered once again. There is still time before the June candidate filing period to pass redistricting legislation that will preserve the voting rights of all New Hampshire citizens.

Respectfully submitted,  
Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 420**, apportioning state representative districts, become law?

Rep. Vaillancourt spoke in favor.

As required by the State constitution, a roll call was taken.

**YEAS 208 NAYS 130**

**YEAS 208**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rice, Thomas Jr

Boyce, Laurie  
Millham, Alida  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

Fairbanks, Chandler  
Roberts, William

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Mirski, Paul

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Alukonis, David  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Kirk, Neal  
Leach, Edward  
McRae, Karen  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Leishman, Peter  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Lessard, Rudy  
Messier, Irene  
Peterson, Andrew  
Sargent, Maxwell  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Leber, William  
Ouellette, Robert

Brewster, Richard  
Hutchinson, John  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Jacobson, Alf  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Winter, Steven

**ROCKINGHAM**

Bishop, Franklin  
Camm, Kevin  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
Morse, Charles  
Power, Lucille  
Quandt, Matthew

Bowles, Raimond  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Rausch, James

Boynton, James  
Chalbeck, Kevin  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Putnam, Ed II  
Robertson, Carl

Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter

Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Sloan, Stephen  
Welch, David

Stone, Joseph  
Weyler, Kenneth

Stritch, C Donald  
Whittier, John

### STRAFFORD

Albert, Russell  
Musler, George

Bickford, David  
Reid, Christopher

Brown, Julie  
Twombly, James

Cossette, Larry  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Odell, Bob

### NAYS 130

### BELKNAP

Dewhirst, Glenn

Johnson, William

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Espiefs, Peter  
Pratt, Irene  
Zerba, Roger

### COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

### HILLSBOROUGH

Andosca, Mary  
Clayton, William  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Kacavas, John  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan  
White, John

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Bellavance, Paul  
Cote, David  
Dionne, David  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
McDonough-Wallace, Alice  
Palangas, Eric  
Sullivan, Peter

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Johnson, Lionel  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Fraser, Leo Jr  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

Burney, Carol  
Fraser, Marilyn  
Moore, Carol  
Reardon, Tara  
Yeaton, Charles

Clarke, Claire  
French, Barbara  
Owen, Derek  
Rodd, Beth

Daneault, Gabriel  
Gile, Mary  
Perkins, Randy  
Rush, Deanna

### ROCKINGHAM

Blanchard, MaryAnn  
Kelley, William  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
McGuire, Robert  
Shultis, Elizabeth

Downing, Michael  
Micklon, Stephanie  
Splaine, James

Kane, Cecelia  
Pantelakos, Laura  
Trueman, Raymond

### STRAFFORD

Brennan, William  
Ferland, Paul  
Heon, Richard

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy

Estabrook, Iris  
Grassie, Anne  
Kaen, Naida

Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen

Lent, Donald  
 Smith, Marjorie  
 Tsiros, William

McCarthy, Gerald  
 Snyder, Clair  
 Wall, Janet

Pelletier, Arthur  
 Spang, Judith  
 Woodill, Rodney

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Robb, Amy

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Ferland, Brenda  
 Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HOUSE BILL 465

May 18, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 465, an Act relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification.

All attorneys who wish to practice law in New Hampshire must be members of the New Hampshire Bar Association pursuant to a 1972 decision of the New Hampshire Supreme Court, *In re Unified New Hampshire Bar*, and Supreme Court Rule 42A. In a majority of states attorneys are similarly required to be members of the state bar association. These types of bar associations are commonly referred to as unified bars.

Since the Supreme Court in 1968 first required membership in the Bar Association on a trial basis, the Supreme Court expressly has limited the New Hampshire Bar Association's legislative lobbying activities to "legislation dealing with administration of justice, the operation of the courts, the practice of law, and the legal profession." The Supreme Court has shown that it is quite willing to enforce that limitation on legislative activity. For example, in 1986 the Supreme Court in its *Chapman* decision made it clear that the Bar Association's lobbying activity against so-called tort reform legislation was out of bounds.

House Bill 465 is an unnecessary, inappropriate and frivolous piece of legislation.

H.B. 465 requires that the Bar Association create a mechanism to allow members to opt out of paying that portion of their dues used for lobbying activities. It requires that by October 1 of this year the Bar Association must conduct a poll of Bar members on whether they think mandatory membership in the Bar Association should be continued. It further requires that the Bar Association count the ballots in public and that the ballots must be preserved so they can be physically examined by a study committee of the legislature.

The Bar Association's constitution and bylaws provide a democratic process for member directed reform, and I trust that lawyers are quite capable of protecting their own rights.

I know that there are some legislators who are unhappy with positions taken and statements made by some in the Bar Association leadership during the last few years. This legislation is motivated by a desire for revenge. It is petty. It is frivolous. It is beneath the House and Senate.

Respectfully submitted,

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 465**, relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification, become law? Rep. Reid spoke in favor.

As required by the State constitution, a roll call was taken.

**YEAS 205 NAYS 134**

### YEAS 205

### BELKNAP

Bartlett, Gordon  
 Holbrook, Robert  
 Rice, Thomas Jr

Boyce, Laurie  
 Lawton, David  
 Russell, David

Czech, Stanley  
 Nedeau, Stephen  
 Thomas, John

Dewhirst, Glenn  
 Pilliod, James  
 Wendelboe, Fran



**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

Fairbanks, Chandler  
Roberts, William

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Mirski, Paul

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
O'Connell, Timothy  
Salts, Greg  
Sullivan, Peter  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Tahir, Saghir  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Messier, Irene  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan

Artz, Lawrence  
Bergin, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Rowe, Robert  
Spiess, Paul  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Leber, William  
Ouellette, Robert  
Winter, Steven

Colcord, J D  
Hutchinson, John  
Lockwood, Priscilla  
Soltani, Tony

Cummings, Raymond  
Jacobson, Alf  
MacKay, James  
Swindlehurst, John

Dunne, Christopher  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

**ROCKINGHAM**

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janean  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael

Boynton, James  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langley, Jane  
Moore, Benjamin  
Packard, Sherman

Bridle, Russell  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Kelley, Jane  
Langone, John  
Morse, Charles  
Power, Lucille

Camm, Kevin  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne

Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Quandt, Matthew  
Sloan, Stephen  
Welch, David

Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Ruffner, Walter  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
Musler, George  
Woods, Phyllis

Bickford, David  
Reid, Christopher

Cossette, Larry  
Tsiros, William

McCarthy, Gerald  
Twombly, James

**SULLIVAN**

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Odell, Bob

**NAYS 134**

**BELKNAP**

Johnson, William

Millham, Alida

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Pratt, John

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Espiefs, Peter  
Pratt, Irene  
Zerba, Roger

**COOS**

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Johnson, Lionel  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Shaw, Barbara

Balcom, John  
Clayton, William  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Kacavas, John  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
White, John

Bellavance, Paul  
Cote, David  
Dionne, David  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Schulze, Joan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Fraser, Marilyn  
Moore, Carol  
Reardon, Tara  
Yeaton, Charles

Burney, Carol  
French, Barbara  
Owen, Derek  
Rodd, Beth

Clarke, Claire  
Gile, Mary  
Perkins, Randy  
Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
Downing, Michael  
Micklon, Stephanie  
Shultis, Elizabeth

Bowles, Raimond  
Johnson, Robert  
Pantelakos, Laura  
Splaine, James

Clark, Martha Fuller  
Kane, Cecelia  
Pitts, Jacqueline  
Trueman, Raymond

DiFruscia, Anthony  
McGuire, Robert  
Robertson, Carl  
Weatherspoon, Jacquelyne

**STRAFFORD**

Brennan, William  
Estabrook, Iris

Brown, Julie  
Ferland, Paul

Callaghan, Frank  
Gilmore, Gary

DeChane, Marlene  
Goodwin, Earle

Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen

Heon, Richard  
Knowles, William  
Smith, Marjorie  
Wall, Janet

Hughes, Christopher  
Lent, Donald  
Snyder, Clair  
Woodill, Rodney

Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HOUSE BILL 622

March 26, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 622, an act relative to the time period for the Executive Council to confirm nominees to the supreme court.

I have vetoed H.B. 622 because I believe it violates the New Hampshire Constitution's specific provision concerning the nomination and appointment of judges, Part II, Article 46, as well as the separation of powers provision in our state Constitution, Part I, Article 37. I note that this veto of H.B. 622 is made with the approval of its sole sponsor, who is a strong proponent of the Constitution's careful separation of powers between the three branches.

Under Part II, Article 46 of the New Hampshire Constitution, the authority to nominate judges is granted exclusively to the Governor and the authority to confirm judges is granted exclusively to the Executive Council: "All judicial officers ... shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment." *See Opinion of the Justices*, 117 N.H. 398 (1977).

H.B. 622 would encroach on the powers granted by our Constitution exclusively to the Executive Council by requiring the Council to wait at least 60 days and to hold two public hearings before confirming a nominee to the Supreme Court.

I strongly support the holding of thorough and open public hearings on judicial nominees and believe the members of the Executive Council should take whatever time they deem necessary to consider a Governor's nomination to the Supreme Court. However, under our Constitution, it is the members of the Council, and not the legislature, who should determine how many hearings the Council should hold and the appropriate waiting period before acting on any judicial nominee.

The separation of powers provided for in our State Constitution is an important check on the powers of any one branch. It is a principle that must be protected. Thus, regardless of the public policy merits of H.B. 622, I am compelled to veto this bill.

Respectfully submitted,  
Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 622**, relative to the time period for the Executive Council to confirm nominees to the supreme court, become law?

Rep. Splaine spoke against.

As required by the State constitution, a roll call was taken.

**YEAS 175 NAYS 166**

### YEAS 175

#### BELKNAP

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

Holbrook, Robert  
Rice, Thomas Jr

### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Royce, H Charles

Emerson, Susan  
Smith, Edwin

Fairbanks, Chandler

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Sova, Charles

Barker, Robert  
Gilman, G Michael  
Ward, Brien

Cobb, John  
Giuda, Robert

Dudley, Terri  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
Leach, Edward  
Mercer, Robert  
Rowe, Robert  
Tate, Joan

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Milligan, Robert  
Salts, Greg  
Thulander, O Alan

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Gargasz, Carolyn  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Martel, Andre  
Pappas, Marc  
Sargent, Maxwell  
Wheeler, Robert

Artz, Lawrence  
Bergin, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Gleneck, David  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
McRae, Karen  
Reeves, Sandra  
Souza, Kathleen

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
MacKay, James  
Whalley, Michael

Colcord, J D  
Jacobson, Alf  
Maxfield, Roy  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
Ouellette, Robert

Dunne, Christopher  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Bishop, Franklin  
Chalbeck, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Major, Norman  
O'Neil, Michael  
Putnam, Ed II  
Sloan, Stephen  
Welch, David

Boynton, James  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Moore, Benjamin  
Packard, Sherman  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Cox, Russell  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
Morse, Charles  
Power, Lucille  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

Carson, Sharon  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Albert, Russell  
Tsiros, William

Cossette, Larry  
Twombly, James

Musler, George  
Woods, Phyllis

Reid, Christopher

**SULLIVAN**

Flint, Gordon Sr

Leone, Richard

Odell, Bob

**NAYS 166****BELKNAP**

Bartlett, Gordon	Johnson, William	Pilliod, James	Salatiello, Thomas
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**CARROLL**

Bradley, Jeb	Torresen, Gary
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Liebl, George	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Gabler, William
Lovett, Sid	Mirski, Paul	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	

**HILLSBOROUGH**

Andosca, Mary	Balboni, Michael	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul	Ford, Nancy
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Shaw, Barbara
Spieß, Paul	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
Vaillancourt, Steve	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Clark, Martha Fuller
Dearborn, Bruce	Downing, Michael	Fesh, Bob	Hill, Jonathan
Johnson, Robert	Kane, Cecelia	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Bickford, David	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

## SULLIVAN

Allison, David  
Franklin, Peter  
Phinizy, James

Burling, Peter  
Harris, Joseph  
Robb, Amy

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1366

May 18, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 1366, an Act establishing a state employee recognition and award program.

House Bill 1366 replaces the existing state employee incentive awards program with an overly bureaucratic program that interjects members of the Legislative Branch in an inherently Executive Branch function in violation of Part I, Article 37, Part II, Article 41 and Part II, Article 62 of the New Hampshire Constitution. Because I believe strongly in the separation of powers principles that underlie our government, I am vetoing H.B. 1366.

If H.B. 1366 became law, a committee that would include two members of the Legislature would be given the discretion to decide 1) which employees of the Executive Branch would receive monetary bonuses for suggestions to improve the operations of the Executive Branch and 2) which employees of the Executive Branch would receive special recognition for a "suggestion or service which is outside or beyond the employee's regular responsibilities or performance standards."

It is a well established principle of constitutional law in this state that, pursuant to Part II, Articles 41 and 62 of the New Hampshire Constitution, "it is the inherent power of the Governor and Council to direct and regulate the internal workings of the executive department." *Opinion of the Justices*, 116 N.H. 406, 360 A.2d 116 (1976). Including legislators in performance reviews of Executive Branch employees and in decision-making on which Executive Branch employees should receive discretionary financial bonuses and other forms of recognition flagrantly violates Part II, Articles 41 and 62 of our Constitution and the separation of powers doctrine established in Part I, Article 37.

In addition, H.B. 1366 would create an overly bureaucratic process for implementing an incentive awards program. Indeed, even the Office of Legislative Budget Assistant acknowledged in the fiscal note to H.B. 1366 that "there may be a reduction of hours available to audit state agency operations if audit time is diverted to reviewing cost saving suggestions."

At the Senate hearing on H.B. 1366, Executive Branch employees suggested amendments to the bill that were designed to improve the existing employee incentive awards program. Unfortunately, the Senate rejected those amendments and instead amended the House version of the bill in a way that is clearly unconstitutional.

I acknowledge that the existing employee incentive awards program was dormant under the administrations of Governors Sununu, Gregg, and Merrill and my administration until this year. This legislation has served the purpose of reinvigorating the program. A new rules framework will move forward after the Legislature takes up my veto of this bill.

But I take exception to the suggestion of certain members of the Legislature that our underpaid and hard-working state employees require special financial incentives to motivate them to bring forward and implement ideas to improve the efficiency of state government. State employees went four years without receiving even cost-of-living salary adjustments before I took office as Governor. I am proud that in each of my three terms as Governor we successfully reached collective bargaining agreements with the State Employees Association that provided our state employees with modest raises. I am particularly proud that last year we reached agreement on a revised career ladder structure that will help retain experienced employees in state service. Our state employees day-in and day-out are creative in providing quality services to the people of New Hampshire. Special recognition of individual state employees for service above and beyond their normal duties is a good thing – but it is not necessary to motivate them.

For all of the above reasons, I am vetoing House Bill 1366.

Respectfully submitted,  
Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1366**, establishing a state employee recognition and award program, become law?

Rep. Peterson spoke in favor.

As required by the State constitution, a roll call was taken.

## YEAS 203 NAYS 137

### YEAS 203

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Russell, David	Thomas, John
Wendelboe, Fran			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Stohl, Eric		

#### GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Naro, Debra	Scanlan, David	Sova, Charles	Ward, Brien

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargas, Carolyn	Gleneck, David
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Leishman, Peter
Lessard, Rudy	Martel, Andre	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	O'Connell, Timothy	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Spiess, Paul	Tate, Joan
Thulander, O Alan	Wheeler, Robert		

#### MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Leber, William	Lockwood, Priscilla	MacKay, James	Ouellette, Robert
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Bishop, Franklin  
Camm, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Carson, Sharon  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Stritch, C Donald  
Whittier, John

Boynton, James  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Langley, Jane  
Morse, Charles  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Welch, David

**STRAFFORD**

Albert, Russell  
Kaen, Naida  
Twombly, James

Bickford, David  
Musler, George  
Woods, Phyllis

Brown, Julie  
Reid, Christopher

Cossette, Larry  
Tsiros, William

**SULLIVAN**

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Odell, Bob

**NAYS 137****BELKNAP**

Johnson, William

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
McGuirk, Paul  
Pratt, John

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Espiefs, Peter  
Pratt, Irene  
Zerba, Roger

**COOS**

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Mirski, Paul  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Kacavas, John  
Lynde, Harold  
Mosesian, Lori  
Schulze, Joan  
Tahir, Saghir

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Murphy, Robert  
Shaw, Barbara  
Vaillancourt, Steve

Bellavance, Paul  
Cote, David  
Dionne, David  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
McDonough-Wallace, Alice  
Palangas, Eric  
Sullivan, Peter  
White, John

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Johnson, Lionel  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent

Burney, Carol  
Fraser, Marilyn  
Maxfield, Roy

Clarke, Claire  
French, Barbara  
Moore, Carol

Cummings, Raymond  
Gile, Mary  
Owen, Derek



Perkins, Randy  
Rush, Deanna

Potter, Frances  
Soltani, Tony

Reardon, Tara  
Wallner, Mary Jane

Rodd, Beth  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Fesh, Bob  
Kelley, William  
Micklon, Stephanie  
Splaine, James

Chalbeck, Kevin  
Hill, Jonathan  
Kobel, Rudolph  
Pantelakos, Laura  
Trueman, Raymond

Clark, Martha Fuller  
Hutchinson, Karen  
Langone, John  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

Downing, Michael  
Kane, Cecelia  
McGuire, Robert  
Shultis, Elizabeth

### STRAFFORD

Brennan, William  
Ferland, Paul  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Wall, Janet

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith

Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1393

May 17, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1393, an Act relative to business replacement costs resulting from government program displacement.

Under current law, a business whose property is taken by eminent domain for a state, county, municipal or school district public works project is entitled to be paid fair market value for its property and up to \$20,000 in relocation costs. Under the ambiguous and poorly crafted language in House Bill 1393, a business would be entitled to receive full replacement costs for its property, "including but not limited to" the cost of building a "comparable" facility or buying a "comparable" facility.

H.B. 1393 would significantly increase the cost of public works projects across the state. Any project involving state or federal funds, including those at the local level, could see dramatic additional costs as a result of this legislation. The ambiguous and subjective language contained in the bill will lead to frequent litigation, resulting in even higher costs and delays in public works projects. In addition, H.B. 1393 is inconsistent with displaced business payment programs in every other state. While I appreciate the concerns expressed by some in the business community that the statutory cap on relocation costs in current law is low, H.B. 1393 is not the way to address this situation.

The Department of Transportation estimates that costs to DOT projects would increase by approximately \$10 million each year – the equivalent of one year's worth of projects in the 10-year highway plan – under H.B. 1393. To address this additional cost, the State would have to choose among three unattractive options – significantly increasing the gasoline tax, delaying much needed projects already approved by the legislature in the 10-year plan, or reducing the State support available to other local projects through programs such as the State Bridge Aid Program.

Counties, municipalities and school districts would also face millions of dollars in additional costs. Contrary to the information provided by the proponents of H.B. 1393 during the legislative process, H.B. 1393 *does* apply to local government projects. H.B. 1393 applies to any local government project that receives any state or federal funds of any amount. Thus, for example, additional costs for Nashua's Broad Street Parkway project could be as much as \$6 million. In Manchester, plans to expand an existing high school would be jeopardized if H.B. 1393 became law because of the costs the City would incur in "replacing" old apartment buildings that would be displaced by the school's expansion.

Without new funding to cover these additional costs to counties, school districts and municipalities, H.B. 1393 may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments.

The language in H.B. 1393 governing how replacement costs would be determined is ambiguous and open to multiple interpretations, which, undoubtedly, will lead to costly litigation. H.B. 1393 states that "replacement costs shall mean the present value cost," which, in the appraisal industry, means the cost of new construction. The bill then contains a confusing and elusive provision that requires a displacement payment to "include *but not be limited to* the lesser of the following":

(a) The costs associated with the design and construction of any new buildings which are reasonably suitable for the continuation of the business in a fashion as close as possible to the operation of the business prior to the displacement; or

(b) The costs associated with the purchase and renovation of any building which is reasonably comparable to the displaced property, is in a reasonably similar location, and is reasonably suitable for the continuation of the business in a fashion as close as possible to the operation of the business prior to the displacement.

As worded, the "lesser of" provision in H.B. 1393 has no meaning. Moreover, what is meant by "reasonably suitable"? Or "reasonably comparable"? Or "reasonably similar"? It is not hard to imagine the lawsuits that could result from the conflicting opinions this language will engender. And, the litigation resulting from this poorly crafted bill will further drive up the cost of public works projects.

If enacted, H.B. 1393 could result in windfall payments to some business owners. For example, it is possible that a business operating in a 20-year old building with a failing roof and sagging floor would be entitled to payment from the state or local governments equal to what is needed to build a brand new facility.

Another problem with H.B. 1393 is that it assures more favorable treatment for businesses being relocated than for displaced homeowners. For example, a person who owns an apartment building with four units, and who lives in one of the units and rents out the other three, would be covered by the business replacement provisions of H.B. 1393. However, the single-family homeowner living in the house next door, who also is being displaced, is not eligible for the same replacement cost benefits.

During the legislature's consideration of H.B. 1393, the Department of Transportation put forward an alternative proposal in a good faith effort to address concerns that the statutory cap on the compensation currently offered to businesses that must be relocated is low. Unfortunately the language now contained in H.B. 1393 was adopted rather than the DOT proposal.

According to the bill's statement of intent, "displacement of businesses by eminent domain takings can result in the closure of those businesses." While that result is possible, the Department of Transportation has reviewed the last five years of its projects and reports that there were 47 businesses that were displaced during that period. Of those, 44 were successfully relocated, one consolidated its business into another location five miles away, one consolidated its operations at its headquarters in New Jersey, and one closed. That record does not support amending existing law in the sweeping way H.B. 1393 does. New Hampshire's program for compensating displaced businesses is comparable to that offered by other states around the country because most, including ours, are based on a uniform federal law. Currently a federal inter-agency task force is reviewing the track record of that law and its impact on businesses, and this fall will be holding hearings around the country to get input on what, if any, changes should be made. In addition, I recently signed Senate Bill 187, which created a committee to study the fairness, effectiveness, and public perception of the eminent domain process. The committee is to issue its report by November 1, 2002. Enacting H.B. 1393 and the dramatic new costs it entails for the state and local governments is premature in light of both the ongoing federal review process and the S.B. 187 study.

For all of the above reasons, I am today vetoing House Bill 1393

Respectfully submitted,

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1393**, relative to business replacement costs resulting from government program displacement, become law?

Rep. Bowles spoke against.

Reps. Wendelboe and Mirski spoke in favor.

Reps. DiFruscia and Gleneck spoke in favor and yielded to questions.

As required by the State constitution, a roll call was taken.

**YEAS 182 NAYS 161****YEAS 182  
BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr

Boyce, Laurie  
Johnson, William  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

Dewhirst, Glenn  
Pilliod, James  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald  
Torresen, Gary

**CHESHIRE**

Dexter, Judson  
Liebl, George  
Royce, H Charles

Emerson, Susan  
Manning, Joseph

Fairbanks, Chandler  
Meader, David

Hunt, John  
Roberts, William

**COOS**

Davis, Perley  
Stohl, Eric

Gallus, John

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Alger, John  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Barker, Robert  
Eaton, Stephanie  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gabler, William  
Naro, Debra

Cooney, Mary  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Balcom, John  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Martel, Andre  
Peterson, Andrew  
Sargent, Maxwell

Arnold, Thomas Jr  
Baroody, Benjamin  
Bragdon, Peter  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
McRae, Karen  
Reeves, Sandra  
Souza, Kathleen

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Elliott, Larry  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Leach, Edward  
Mercer, Robert  
Rowe, Robert  
Tahir, Saghir

Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Lessard, Rudy  
Pappas, Marc  
Salts, Greg  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Soltani, Tony

Colcord, J D  
Kennedy, Richard  
Swindlehurst, John

Dunne, Christopher  
MacKay, James  
Whalley, Michael

Hutchinson, John  
Ouellette, Robert  
Winter, Steven

**ROCKINGHAM**

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel

Boynton, James  
Chalbeck, Kevin  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert

Bridle, Russell  
Cooney, Richard  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers

Camm, Kevin  
Dairymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Kelley, Jane

Kelley, William  
McGuire, Robert  
O'Neil, Michael  
Priestley, Anne  
Stritch, C Donald  
Whittier, John

Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Varrell, Thomas  
Zolla, William

Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Sapareto, Frank  
Welch, David

Major, Norman  
Nowe, Ronald  
Power, Lucille  
Sloan, Stephen  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Musler, George  
Woods, Phyllis

Bickford, David  
Reid, Christopher

Cossette, Larry  
Tsiros, William

Kaen, Naida  
Twombly, James

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

### NAYS 161

### BELKNAP

Lawton, David

Nedeau, Stephen

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Pratt, John  
Weed, Charles

Avery, Stephen  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Batchelder, Robert  
Mitchell, McKim  
Slack, Pamela Russell

Burnham, Daniel  
Pratt, Irene  
Smith, Edwin

### COOS

Bradley, Paula  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

Pratt, Leighton

### GRAFTON

Almy, Susan  
Pawlek, Marion

Benn, Bernard  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

Nordgren, Sharon

### HILLSBOROUGH

Allan, Nelson  
Buckley, Raymond  
Cote, David  
Dionne, David  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
Melcher, Harold  
Murphy, Robert  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Andosca, Mary  
Calawa, Leon Jr  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Jean, Claudette  
Kurk, Neal  
Lynde, Harold  
Messier, Irene  
O'Connell, Timothy  
Shaw, Barbara  
Tate, Joan  
Williams, Carol

Bellavance, Paul  
Clayton, William  
Craig, James  
Dwyer, Paul  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary Ellen  
Milligan, Robert  
Palangas, Eric  
Spiess, Paul  
Thulander, O Alan

Bergin, Peter  
Clemons, Jane  
Daigle, Robert  
Ford, Nancy  
Gorman, Mary  
Kacavas, John  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Movsesian, Lori  
Panagopoulos, Nicholas  
Sullivan, Peter  
Wheeler, Robert

### MERRIMACK

Bouchard, Candace  
Cummings, Raymond  
French, Barbara  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna

Brewster, Richard  
Daneault, Gabriel  
Gile, Mary  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Burney, Carol  
Fraser, Leo Jr  
Greco, Vincent  
Moore, Carol  
Reardon, Tara  
Yeaton, Charles

Clarke, Claire  
Fraser, Marilyn  
Leber, William  
Owen, Derek  
Rodd, Beth

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Cox, Russell
Dearborn, Bruce	Dowling, Patricia	Fesh, Bob	Holland, James Jr
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Langone, John	Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Trueman, Raymond	Weatherspoon, Jacquelyne		

**STRAFFORD**

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

and the veto was sustained, lacking the necessary two-thirds.

**REMOVED FROM THE TABLE**

Rep. Alukonis moved that **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment (3801h).

**Floor Amendment (3801h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2002 and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2002 and 2003.

Committee estimates are based on current rates.

	(A) FY 2002	(B) FY 2002	(C) FY 2003	(D) FY 2003
GEN'L & ED TRUST FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Business Profits Tax	\$275.900	\$243.900	\$267.600	\$242.537
Business Enterprise Tax	168.000	150.000	162.000	149.000
Subtotal	<u>\$443.900</u>	<u>\$393.900</u>	<u>\$429.600</u>	<u>\$391.537</u>
Meals & Rooms Tax	\$176.000	172.000	193.400	189.400
Liquor Sales	\$93.000	95.250	96.500	98.750
Interest & Dividends Tax	77.000	72.000	79.000	75.000
Insurance Tax	62.000	74.000	63.000	76.000
Tobacco Tax	86.000	86.000	85.000	87.000
Other	46.000	45.500	46.000	48.500
Communications Tax	67.700	63.700	70.900	65.600
Estate & Legacy Tax	58.000	61.000	54.800	56.000
Real Estate Transfer Tax	99.500	98.500	102.500	115.000
Court Fines & Fees	23.700	25.000	24.400	26.000
Utility Tax	5.400	5.900	5.500	6.100

Securities Revenue	27.500	26.100	28.500	26.100
Board & Care Revenue	10.400	10.205	10.800	10.601
Beer Tax	12.112	12.112	12.212	12.212
Horse Racing	2.600	2.625	2.700	2.725
Dog Racing	1.200	1.375	1.200	1.425
Tobacco Settlement Funds	44.000	45.395	44.400	44.500
<b>SUBTOTAL</b>	<b>\$1,336.012</b>	<b>\$1,290.562</b>	<b>\$1,350.412</b>	<b>\$1,332.450</b>
Other Medicaid Enhancement	13.400	16.263	13.400	16.200
Net Medicaid Enhance. Revenue	95.000	100.528	94.000	104.495
Utility Property Tax	18.800	18.800	20.500	21.500
State Property Tax -Not Retained Local	29.100	29.100	32.680	32.680
State Property Tax -Retained Locally	454.000	454.000	453.045	453.045
Transfers from Sweepstakes	64.000	65.500	66.000	67.500
<b>TOTAL</b>	<b>\$2,010.312</b>	<b>\$1,974.753</b>	<b>\$2,030.037</b>	<b>\$2,027.870</b>
<b>HIGHWAY FUNDS:</b>	<b>Official</b>	<b>Committee</b>	<b>Official</b>	<b>Committee</b>
<b>(Dollars in Millions)</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
Road Toll - Gross Total	\$144.600	\$140.772	\$149.220	\$144.500
Less Betterment	(\$20.600)	(\$20.444)	(\$21.220)	(\$21.500)
Road Toll - Net Total	\$124.000	\$120.328	\$128.000	\$123.000
Motor Vehicle Fees	84.357	84.857	86.626	88.400
Miscellaneous	8.400	6.500	8.900	6.500
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$216.757</b>	<b>\$211.685</b>	<b>\$223.526</b>	<b>\$217.900</b>

**FISH & GAME FUNDS:**  
**(Dollars in Millions)**

Fish & Game Licenses	\$7.681	\$7.897	\$9.094	\$9.094
Miscellaneous	1.564	1.153	1.591	1.391
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b>\$9.245</b>	<b>\$9.050</b>	<b>\$10.685</b>	<b>\$10.485</b>

Rep. Alukonis spoke in favor.

Floor amendment (3801h) adopted.

HR 24 adopted and ordered to third reading.

**SENATE MESSAGES**

The Senate has voted to sustain the Governor's vetoes on the following bills:

**SB 1**, apportioning state senate districts.

**SB 112**, relative to election day registration.

**SB 141**, relative to proof qualifications to voter registration.

**SB 336**, establishing a committee to study campaign finance reform and apportioning state representative districts.

**SB 419**, relative to notification of groundwater contamination and repealing certain MTBe notification requirements for public water systems.

**PERSONAL PRIVILEGE**

Rep. Giordano addressed the House.

**UNANIMOUS CONSENT**

Rep. Cobb addressed the House.

Rep. Avery moved that Rep. Cobb's remarks be printed in the Journal.

Adopted.

Rep. Cobb: Thank you, Mr. Speaker. Members of this honorable House, in a few days we will be honoring those men and women who served our nation in harm's way. I would like to speak to that courage. Back in 1942, my mother and father had hanging in the window of their home a three-star flag in honor of their three sons serving during that time. One served with the Merchant Marines

on a liberty ship sailing through the treacherous waters of the North Atlantic supplying Europe with war supplies. The second son served with the Third Army and was awarded the Bronze Star with valor and the Purple Heart. Later, he served in the Korean conflict and was awarded another Purple Heart and still later in 1968, he served in Vietnam and was awarded his life. The third son was a navigator on a B-17 and went down at sea, never to return.

Today, I have a couple of stories about others who served. The first is a dialogue between two United States Senators. This is a record of an exchange of words between Senators John Glenn and Howard Metzenbaum. Not only is it a pretty impressive impromptu speech, but it's also a good example of one man's explanation of why men and women in uniform services do what they do for a living and an example of what those who have never served think of their military.

Senator Metzenbaum: "How could you run for the Senate when you've never held a real job?"

Senator Glenn: "I served 23 years in the United States Marine Corps. I served through two wars, I flew 149 missions, my plane was hit by anti-aircraft on 12 different occasions. I was in the Space Program. It wasn't my checkbook, it was my life on the line. It was not that 9 to 5 job where I took time off to take the daily cash receipts to the bank. I ask you to go with me, as I went the other day, to the Veterans' Hospital and look at those men with their mangled bodies in the eye and tell them they didn't hold a job. You go with me to the Space Program and go as I have gone to the widows and orphans of Ed White, Gus Grissom and Roger Chaffee and look those kids in the eye and tell them their dad didn't hold a job. You go with me on Memorial Day and you stand in Arlington National Cemetery, where I have more friends that I'd like to remember, and you watch those waving flags. You stand there and you think about this nation and you tell me that those people didn't have a job. I tell you Howard Metzenbaum, you should be on your knees every day of your life thanking God that there were some men, some men who held a job. They required a dedication to purpose and love of country, and a dedication to duty that is more important than life itself. Their self-sacrifice is what made this country possible. I have held a job, Howard. How about you?"

The next short story pays homage to veterans (and this was written prior to 9/11).

As the years go by, the rank of veterans among us are thinning at a rapid rate. I'm not talking about the former servicemen who never saw a shot fired in anger. I'm referring to those veterans of combat where lives were at stake and often taken. Recent conflicts such as Desert Storm and the Balkan Conflict were indeed serious events where people died or were maimed. But when you compare the lightening fast military operation to the late 20<sup>th</sup> century to those earlier engagements of Vietnam, Korea or World War II which all lasted years, well, there is a difference. We lost a handful of personnel in the Balkans, 100 or so in Desert Storm, but those statistics pale when you compare them with the 55,000 casualties of Vietnam, 54,000 in Korea and more than half a million in World War II. Returning veterans from the great wars of the 20<sup>th</sup> century were people whose lives were defined by years they gave in service to their country.

On Memorial Day, we take a few moments to reflect on the many sacrifices of our surviving veterans. Younger people find it hard to relate to the fierce combat that their grandfathers endured on Iwo Jima, Okinawa, Guadalcanal, Wake Island, Pearl Harbor, Normandy, Angio, Sicily, Bataan or Bastogne. More youngsters remember hearing about Vietnam, a war that created more questions than answers. There weren't many questions about World War II, and just one answer. If we didn't win, our way of life would have been snuffed out. That same argument was used for Korea which began the debate over the validity of the domino theory. That debate eventually led us to Vietnam. No one seems to play that game anymore. Author Studs Terkel dared to call World War II, the "good" war. It was a definite fight for good against evil. All the wars we've fought since 1945 haven't been quite so clear in mission. When you meet a combat veteran today, thank him for the service to his country. That's what today is all about. Thanking the survivors. Then, on Memorial Day, pay homage to our fallen veterans in the cemeteries and say a prayer. I thank you for you time.

Reps. Francoeur, Stephanie Eaton, Henderson, Peterson, Scanlan, Burling, Bruno and Jeb Bradley addressed the House.

### SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following bill:

**SB 425**, revising the formula used to calculate the cost of an adequate education.

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be

by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House recesses today it be to meet at the Call of the Chair. Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

*HR 24*, affirming revenue estimates for fiscal years 2002 and 2003.

### **RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of receiving Senate messages only. Adopted.

The House recessed at 12:50 p.m.

### **RECESS**

#### **(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 16

Thursday, June 27, 2002

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Eternal God, strong to save, with hearts filled with gratitude, we offer our thanks for the United States of America and for our beloved New Hampshire. Give us wisdom, strength, courage and compassion to lift high the lamp of freedom lit by our founding mothers and fathers. And when our freedoms come under attack, as they are at the present time, save us from all false choices and from hardness of heart; that our fears being banished under Your most gracious protection, we may strive for that day when Your justice and peace shall reign over all creation and over all those who dwell therein. Please bless the work of this honorable House and all those who serve here in democracy's noble cause. Amen.

Rep. John P. Gleason led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Brown, Case, Chabot, Ford, Guay and Lefebvre, the day, illness.

Reps. Balcom, Bergin, Clayton, Elliott, Flint, Ham, Leishman, Rozek, Ruffner, Souza, Teschner and Thomas, the day, important business.

### INTRODUCTION OF GUESTS

Paul Hopfgarden, guest of the Derry delegation. Christopher Dodge and Jamie Skinner, son and guest of Rep. Dionne. Donna Fairbanks, Marilyn Huston, Debra Hamel-Kearney and Jack Laurent, wife and guests of Rep. Fairbanks. Michael, Kelsi and Joshua Lynde, son and grandchildren of Rep. Lynde. Rikhav Shah, guest of Rep. DiFruscia.

### COMMUNICATIONS

June 2, 2002

Dear Speaker Chandler:

This is to formally inform you of my intention to resign my House seat as of 3:00 p.m. on June 4, 2002. As you know, I am in the process of selling my home in Bow and will be residing in Alton as of tomorrow.

It has been my privilege and honor to represent the citizens of Bow for the last 10 years in the New Hampshire Legislature. I have been very honored to serve as the Deputy Speaker for the last two years under your administration. I am hopeful that we will be working together again in the next session as I plan to seek election to represent my friends and neighbors in Alton.

Please let me know if I can be of any assistance over the next few months as a member of the general public.

Michael D. Whalley, Merr. 5

June 7, 2002

Dear Mr. Speaker,

This letter is to inform you that I will resign my house seat effective at midnight tonight. This resignation is necessary so that I may accept another position in state government. The office I now hold and the one I am about to accept are incompatible.

I have greatly enjoyed my years of service in the House, and I extend my best wishes to you and the other members of the House of Representatives.

David M. Scanlan, Graf. 11

June 14, 2002

Dear Speaker:

It is with regret that I have to inform you that I will no longer be able to represent the Town of Conway in the House of Representatives. I am in the process of moving from Conway to Concord and no longer qualify for the position.

I truly enjoy serving the people of New Hampshire, so today I filed for the State representative's position here in the City of Concord. It is my sincere hope that I will win the seat and be joining you once again in November.

In the meantime, I plan to stay as active as I can as a citizen and would appreciate the opportunity to serve in that capacity should the Legislature so desire.

P. Judith Sullivan, Carr. 02

The Speaker accepted the resignations with regret.

### SUSPENSION OF RULES

Its late drafting having been approved by the Rules committee, Reps. Hess and Francoeur moved that the Rules be so far suspended as to allow introduction after the deadline and consideration at the present time, without the required referral to committee, public hearing or report from committee of **HB 2002**, apportioning state representative districts; and if passed, that HB 2002 be sent directly to third reading.

Rep. Hager spoke in favor and yielded to questions.

Rep. Burling spoke against.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the motion to suspend the Rules.

### YEAS 212 NAYS 122

#### YEAS 212

##### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph

##### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

##### CHESHIRE

Avery, Stephen  
Hunt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

##### COOS

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

##### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Sova, Charles

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
LaFlamme, Paul

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Eaton, Richard  
Flora, Kathleen  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
LaRose, Richard

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Leach, Edward

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Fields, Dennis  
Gargasch, Carolyn  
Graham, John  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy

Martel, Andre  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Tate, Joan

McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Thulander, O Alan

Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Feuerstein, Martin  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy

Colcord, J D  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Ouellette, Robert

Cummings, Raymond  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Soltani, Tony

Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Boynton, James  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Sloan, Stephen  
Weyler, Kenneth

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Whittier, John

Bowles, Raimond  
Chalbeck, Kevin  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Robertson, Carl  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Musler, George

Bickford, David  
Reid, Christopher

Harrington, Michael  
Twombly, James

Heon, Richard  
Woods, Phyllis

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 122

### BELKNAP

Johnson, William

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espiefs, Peter  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula  
Stohl, Eric

Davis, Perley

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Nordgren, Sharon

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

Lovett, Sid

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Daigle, Robert
Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Schulze, Joan	Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Daneault, Gabriel	Davis, Frank	French, Barbara
Gile, Mary	Greco, Vincent	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Kane, Cecelia	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and lacking the two-thirds vote required by House Rules, the motion failed.

Rep. Balboni inquired if it would be in order at this time to introduce a House Concurrent Order. The Speaker ruled that it would be in order.

Rep. Balboni moved introduction of House Concurrent Order 1, an order relative to implementing an election pursuant to representative districts established in the order.

The Speaker stated that based on House Rules and Mason's Manual of Legislative Procedure the introduction motion would require a majority vote.

Rep. Burling appealed the ruling of the Chair.

The question before the House now being, "Shall the ruling of the Chair be upheld?"

Rep. Marjorie Smith spoke against.

Rep. Soltani moved to postpone the vote on the question for one-half hour and spoke in favor.

Rep. Clegg spoke against.

Rep. Burling requested a roll call; sufficiently seconded.

The question now being adoption of the motion to postpone as offered by Rep. Soltani.

**YEAS 141 NAYS 198**

**YEAS 141**

**BELKNAP**

Johnson, William	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Babson, David Jr

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Daigle, Robert	Dionne, David	Dokmo, Cynthia	Drabinowicz, A Theresa
Dwyer, Paul	Foster, Linda	Ginsburg, Ruth	Gorman, Mary
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	Leach, Edward
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	Murphy, Robert	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan
Shaw, Barbara	Spieess, Paul	Sullivan, Peter	Sweeney, Cynthia
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Daneault, Gabriel	Davis, Frank	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Jacobson, Alf
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Soltani, Tony
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Cooney, Richard	Downing, Michael
Kane, Cecelia	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Reardon, Neil	Robertson, Carl	Shultis, Elizabeth
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizz, James		

**NAYS 198****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhurst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Wendelboe, Fran		

**CARROLL**

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

**COOS**

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFiamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tate, Joan

Alukonis, David  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Dyer, Merton  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James

Cummings, Raymond  
Hess, David  
Langer, Ray  
Maxfield, Roy

Dunne, Christopher  
Hutchinson, John  
Leber, William  
Ouellette, Robert

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Nowe, Ronald

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
O'Neil, Michael

Bishop, Franklin  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman

Bowles, Raimond  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne

Putnam, Ed II  
Sapareto, Frank  
Welch, David

Quandt, Marshall  
Sloan, Stephen  
Weyler, Kenneth

Quandt, Matthew  
Stritch, C Donald  
Whittier, John

Rausch, James  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Musler, George

Bickford, David  
Reid, Christopher

Dunlap, Patricia  
Twombly, James

Harrington, Michael  
Woods, Phyllis

### SULLIVAN

Odell, Bob  
and the motion to postpone failed.  
The question now being, "Shall the ruling of the Chair be upheld?"  
Rep. Hager spoke against.  
Rep. Burling spoke against and yielded to questions.  
Rep. Herman spoke in favor and yielded to questions.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question now being, "Shall the ruling of the Chair be upheld?"

**YEAS 190 NAYS 142**

### YEAS 190

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhurst, Glenn  
Nedeau, Stephen  
Russell, David

### CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Hunt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

### COOS

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

Stohl, Eric

### GRAFTON

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Christensen, D L Chris  
Dionne, Kimberley  
Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Drisko, Richard  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Gargasz, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Coughlin, Pamela  
Fletcher, Richard  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert

LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Rowe, Robert  
Tate, Joan

Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Salts, Greg  
Thulander, O Alan

Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Hess, David  
Langer, Ray  
Ouellette, Robert

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Feuerstein, Martin  
L'Heureux, Stephen  
MacKay, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Sloan, Stephen  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Stritch, C Donald  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Varrell, Thomas

Boynnton, James  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Sapareto, Frank  
Welch, David

### STRAFFORD

Albert, Russell  
Musler, George

Bickford, David  
Reid, Christopher

Dunlap, Patricia  
Twombly, James

Harrington, Michael  
Woods, Phyllis

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 142

### BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

### CARROLL

Quimby, Lee

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espiefs, Peter  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Lovett, Sid

Almy, Susan  
Nordgren, Sharon

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

### HILLSBOROUGH

Andosca, Mary  
Carlson, Donald

Baroody, Benjamin  
Clemons, Jane

Bellavance, Paul  
Cote, David

Buckley, Raymond  
Cote, Peter



Craig, James  
 Drabinowicz, A Theresa  
 Ginsburg, Ruth  
 Jean, Claudette  
 Kony, Christine  
 Martin, Mary Ellen  
 Movsesian, Lori  
 Schulze, Joan  
 White, John

Daigle, Robert  
 Dwyer, Paul  
 Golding, William  
 Johnson, Lionel  
 Lasky, Bette  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Shaw, Barbara

Desrosiers, William  
 Dyer, Merton  
 Gorman, Mary  
 Kacavas, John  
 Leach, Edward  
 Melcher, Harold  
 Palangas, Eric  
 Sullivan, Peter

Dionne, David  
 Foster, Linda  
 Hall, Betty  
 Keye, Harvey  
 Lynde, Harold  
 Messier, Irene  
 Panagopoulos, Nicholas  
 Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
 Crosby, Toni  
 French, Barbara  
 Jacobson, Alf  
 Perkins, Randy  
 Rush, Deanna

Brewster, Richard  
 Daneault, Gabriel  
 Gile, Mary  
 Maxfield, Roy  
 Potter, Frances  
 Wallner, Mary Jane

Burney, Carol  
 Davis, Frank  
 Greco, Vincent  
 Moore, Carol  
 Reardon, Tara  
 Yeaton, Charles

Clarke, Claire  
 Fraser, Leo Jr  
 Hager, Elizabeth  
 Owen, Derek  
 Rodd, Beth

### ROCKINGHAM

Bianchard, MaryAnn  
 Downing, Michael  
 Micklon, Stephanie  
 Pitts, Jacqueline  
 Splaine, James

Bowles, Raimond  
 Johnson, Robert  
 Norelli, Terie  
 Reardon, Neil  
 Weatherspoon, Jacquelyne

Chalbeck, Kevin  
 Kane, Cecelia  
 O'Keefe, Patricia  
 Robertson, Carl

Clark, Martha Fuller  
 McGuire, Robert  
 Pantelakos, Laura  
 Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
 Estabrook, Iris  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Marsha  
 Taylor, Kathleen

Brennan, William  
 Ferland, Paul  
 Heon, Richard  
 Knowles, William  
 Rollo, Michael  
 Wall, Janet

Callaghan, Frank  
 Gilmore, Gary  
 Hughes, Christopher  
 McCarthy, Gerald  
 Smith, Marjorie  
 Woodill, Rodney

DeChane, Marlene  
 Goodwin, Earle  
 Johnson, Nancy  
 Pelletier, Arthur  
 Snyder, Clair

### SULLIVAN

Allison, David  
 Franklin, Peter

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Ferland, Brenda  
 Phinizy, James

and the motion was adopted.

Rep. Fields did not vote and wished to be recorded in favor.

The question now being the introduction of House Concurrent Resolution 1.

Rep. Jacobson spoke against.

Rep. Balboni spoke in favor.

Rep. Clemons moved that the House recess until noon and spoke in favor.

Rep. Herman spoke against; requested a roll call; sufficiently seconded.

The question now being adoption of the motion to recess until noon.

**YEAS 132 NAYS 196**

**YEAS 132**

**BELKNAP**

Johnson, William

Millham, Alida

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
 McGuirk, Paul  
 Richardson, Barbara

Batchelder, Robert  
 Mitchell, McKim  
 Slack, Pamela Russell

Burnham, Daniel  
 Pratt, Irene  
 Weed, Charles

Espiefs, Peter  
 Pratt, John  
 Zerba, Roger

**COOS**

Bradley, Paula

Mears, Edgar

Rodrigue, Robert

**GRAFTON**Akins, Ralph  
Lovett, SidAlmy, Susan  
Nordgren, SharonBenn, Bernard  
Pawlek, MarionCooney, Mary  
Scovner, Nancy**HILLSBOROUGH**Andosca, Mary  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Murphy, Robert  
Schulze, Joan  
White, JohnBaroody, Benjamin  
Cote, David  
Dionne, David  
Foster, Linda  
Jean, Claudette  
Konys, Christine  
McDonough-Wallace, Alice  
Palangas, Eric  
Shaw, BarbaraBellavance, Paul  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
Panagopoulos, Nicholas  
Sullivan, PeterBuckley, Raymond  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Kacavas, John  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
Sweeney, Cynthia**MERRIMACK**Bouchard, Candace  
Crosby, Toni  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Soltani, TonyBrewster, Richard  
Daneault, Gabriel  
Gile, Mary  
Moore, Carol  
Reardon, Tara  
Wallner, Mary JaneBurney, Carol  
Davis, Frank  
Greco, Vincent  
Owen, Derek  
Rodd, Beth  
Yeaton, CharlesClarke, Claire  
Fraser, Leo Jr  
Hager, Elizabeth  
Perkins, Randy  
Rush, Deanna**ROCKINGHAM**Blanchard, MaryAnn  
Johnson, Robert  
Norelli, Terie  
Reardon, NeilClark, Martha Fuller  
Kane, Cecelia  
O'Keefe, Patricia  
Shultis, ElizabethDiFruscia, Anthony  
McGuire, Robert  
Pantelakos, Laura  
Splaine, JamesDowning, Michael  
Micklon, Stephanie  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne**STRAFFORD**Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Wall, JanetBrennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Smith, Marjorie  
Woodill, RodneyCallaghan, Frank  
Gillmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Snyder, ClairDeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Marsha  
Taylor, Kathleen**SULLIVAN**Allison, David  
Franklin, PeterBurling, Peter  
Harris, JosephCloutier, John  
Harris, SandraFerland, Brenda  
Phinizy, James**NAYS 196****BELKNAP**Bartlett, Gordon  
Flanders, Donald  
Pilliod, James  
Wendelboe, FranBoyce, Laurie  
Holbrook, Robert  
Rice, Thomas JrCzech, Stanley  
Lawton, David  
Rosen, RalphDewhirst, Glenn  
Nedeau, Stephen  
Russell, David**CARROLL**Babson, David Jr  
Lyman, L Randy  
Quimby, LeeBradley, Jeb  
Mock, Henry  
Stevens, StanleyDickinson, Howard  
Patten, BetseyKenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Meador, David

Fairbanks, Chandler  
Roberts, William

**COOS**

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Sova, Charles

Dudley, Terri  
Giuda, Robert  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tate, Joan

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Maxfield, Roy

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Ouellette, Robert

Dunne, Christopher  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Feuerstein, Martin  
L'Heureux, Stephen  
MacKay, James

**ROCKINGHAM**

Arndt, Janet  
Boynton, James  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Sloan, Stephen  
Weyler, Kenneth

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Rausch, James  
Stritch, C Donald  
Zolla, William

Bowles, Raimond  
Chalbeck, Kevin  
Cox, Russell  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Robertson, Carl  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Musler, George

Bickford, David  
Twombly, James

Dunlap, Patricia  
Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Odell, Bob  
and the motion failed. Rodeschin, Beverly

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question now being adoption of the introduction motion of House Concurrent Order 1.  
Adopted by the constitutionally required two-thirds.

**INTRODUCTION OF HOUSE CONCURRENT ORDER 1****First and second reading**

**HCO 1**, an order relative to implementing an election pursuant to representative districts established in the order. (Balboni, Hills 27; Mirski, Graf 12; Alger, Graf 9; Itse, Rock 11; Giuda, Graf 3; Winter, Merr 2)

**CONSIDERATION OF HCO 1**

Rep. Balboni moved Ought to Pass and spoke in favor.  
Rep. Jacobson inquired if a quorum was present. The Chair ruled a quorum was present.  
Adopted by the constitutionally required two-thirds.

**MOTION ON HCO 1**

The question before the House now being should House Concurrent Order 1 be read for a third and final time.  
Adopted by the constitutionally required two-thirds.

**Third reading and final passage**

**HCO 1**, an order relative to implementing an election pursuant to representative districts established in the order.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Dunlap moved that the House reconsider its action whereby it failed to suspend the Rules to allow introduction and consideration of **HB 2002**, apportioning state representative districts.  
On a division vote, 169 members having voted in the affirmative and 34 in the negative, the motion was adopted by the constitutionally required two-thirds.

**SUSPENSION OF RULES**

The question now being on the motion by Reps. Francoeur and Hess to suspend the Rules for introduction and consideration at the present time of **HB 2002**, apportioning state representative districts.  
Adopted by the necessary two-thirds.

**INTRODUCTION OF HB 2002**

Introduction having been approved by a two-thirds vote of the House, Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill 2002 shall be by this resolution read a first and second time by the therein listed title.  
Adopted by the constitutionally required two-thirds .

**First and second reading**

**HB 2002**, apportioning state representative districts. (Hager, Merr. 18; Heon, Straf 14; Mirski, Graf 12; Vaillancourt, Hills 44)

**CONSIDERATION OF HB 2002**

Rep. Vaillancourt moved Ought to Pass and spoke in favor.  
Rep. Vaillancourt offered a floor amendment (3810h).

**Floor Amendment (3810h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** apportioning state representative districts and authorizing the city of Manchester to hold a special election on the question of establishing a charter commission.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 City of Manchester; Establishment of Charter Commission. Notwithstanding RSA 49-B:3, V and RSA 49-B:4, I, the city of Manchester is authorized to hold a special election on September 10, 2002 for the purpose of voting on the question of the establishment of a charter commission. In the event of a favorable vote on such question, the city of Manchester is further authorized to hold a special election on November 5, 2002 for the purpose of electing the membership of the charter commission.

**AMENDED ANALYSIS**

This bill establishes new state representative districts in accordance with the latest federal decennial census. The bill also authorizes the city of Manchester to hold a special election on the question of establishing a charter commission and, in the event of a favorable vote on the question, would authorize the city of Manchester to elect members to the charter commission on November 5, 2002. Adopted by the constitutionally required two-thirds.

Rep. Hess offered a floor amendment (3811h).

**Floor Amendment (3811h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** apportioning state representative districts and relative to filing deadlines for the 2002 general election for state representatives.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4, respectively:

3 Filing Period for 2002 General Election for State Representatives. For purposes of the 2002 general election for state representatives, the following shall apply:

I. When the state representative districts become law, the secretary of state shall send notice as soon as practicable informing the city and town clerks of the new representative districts and the dates of the filing period, which, notwithstanding RSA 655:14, shall begin on the third weekday after the representative districts become law and shall last for 5 weekdays.

II. Notwithstanding RSA 655:15, candidates for state representative shall file with the secretary of state, except that candidates may file with the appropriate town or city clerk or the secretary of state during the first 2 days of the filing period in towns and cities in which the clerk's office is open on one or both of those days.

III. Notwithstanding RSA 655:32, at the closed of the filing period established in paragraph I, the party committees shall have one additional weekday to fill any vacancies.

IV. For purposes of this section, July 4, 2002 shall not be included in the calculation of days described herein.

**AMENDED ANALYSIS**

This bill establishes new state representative districts in accordance with the latest federal decennial census. The bill also amends certain filing deadlines for the 2002 general election of state representatives.

Adopted by the constitutionally required two-thirds.

The question now being Ought to Pass as Amended.

Adopted by the constitutionally required two-thirds.

Ordered to third reading.

**SUSPENSION OF RULES**

Rep. Sapareto moved that the Rules be so far suspended to allow introduction and consideration of House Resolution 26, denouncing the opinion of the United States Court of Appeals for the Ninth Circuit holding that the recitation of the pledge of allegiance in public schools is an unconstitutional endorsement of religion.

Adopted by the necessary two-thirds.

## INTRODUCTION OF HOUSE RESOLUTION 26

Introduction having been approved by a two-thirds vote of the House, Rep. Sapareto offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution 26 shall be by this resolution read a first and second time by the therein listed title. Adopted by the constitutionally required two-thirds.

### First and second reading

**HR 26**, denouncing the opinion of the United States Court of Appeals for the Ninth Circuit holding that the recitation of the pledge of allegiance in public schools is an unconstitutional endorsement of religion. (Sapareto, Rock.13)

## CONSIDERATION OF HR 26

Rep. Sapareto moved Ought to Pass.  
Adopted by the constitutionally required two-thirds.  
Ordered to third reading.

## RESOLUTION

Rep. Hess offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair. Adopted by the constitutionally required two-thirds.

## LATE SESSION

### Third reading and final passage

**HB 2002**, apportioning state representative districts and relative to filing deadlines for the 2002 general election for state representatives.

**HR 26**, denouncing the opinion of the United States Court of Appeals for the Ninth Circuit holding that the recitation of the pledge of allegiance in public schools is an unconstitutional endorsement of religion.

## RECESS MOTION

Rep. Hess moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments and enrolled bill reports only.  
Adopted by the constitutionally required two-thirds.  
The House recessed at 12:00 p.m.

## RECESS

(Speaker Chandler in the Chair)

## SENATE MESSAGE

### REFUSED INTRODUCTION OF HOUSE BILL AND HOUSE CONCURRENT ORDER

**HB 2002**, apportioning state representative districts.

**HCO 1**, an order relative to implementing an election pursuant to representative districts established in the order.

## RECESS

(Speaker Chandler in the Chair)

## COMMUNICATION

July 1, 2002

Mr. Speaker:

It has been a great honor and privilege to have served my constituents of Keene, District 19 and the State of New Hampshire as representative to the state legislature. It has been an honor and privilege

to have worked with you in your capacity of Speaker of the House. Your leadership and hard work of the entire legislative body allowed us to deal with many important issues over the course of the biennium. The entire state benefited from this work and I am proud to have played a role.

I wish to inform you that I have made a career change and will be relocating to New Hampshire's northern neighbor, my home state of Maine. Therefore, I respectfully resign as state representative, District 19 effective July 1, 2002.

To all my colleagues, I wish the best as you continue to do the work of the citizens of the wonderful state of New Hampshire.

Dana A. Edwards, Ches. 19

July 22, 2002

Dear Secretary Gardner:

Please be advised the effective at 5:00 p.m. today, July 22, 2002, I will be resigning my seat for Hillsborough County district 47 because I have moved out of the district.

Rob R. Thompson, Hills. 47

July 29, 2002

Mr. Speaker:

Please accept my resignation for the New Hampshire House of Representatives, Strafford County District 10, effective July 29, 2002.

I have thoroughly enjoyed serving in the House of Representatives and hope to continue my service next term.

I have recently moved to the City of Manchester and will be seeking election to the House of Representatives from District 50.

Michael S. Rollo, Straf. 10

November 4, 2002

Mr. Speaker:

I am writing to inform you that I may no longer serve in the Legislature, as I now reside outside of the district that I have represented. My resignation is effective noon today.

Representing the people of Berlin and Milan for the past four years has been among the greatest experiences of my life; one that I'm sure I will miss come spring time.

I have learned enormously and made many wonderful friends in Concord. Mr. Speaker, I wish you and the House of Representatives luck in the upcoming session.

Robert R. Rodrigue, Coos 7

RECESS

### CLERK'S NOTE

There being no motion to adjourn, pursuant to the New Hampshire State Constitution, Part II, Article 3, the 2002 Session of the House of Representatives dissolved at 12:01 a.m. on the first Wednesday in December, that date being December 4, 2002.

Attested by

Karen O. Wadsworth

Clerk of the House

**(CLERK'S NOTE)**  
**OUTSTANDING BILLS**

**At the time of recess on June 27, 2002, the following House bills remained on the table in the House:**

**CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education.

**HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location.

**At the time of recess on June 27, 2002, the following House bills were not signed off in Committee of Conference:**

**HB 589**, relative to eligibility for unemployment benefits for part-time workers.

**HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor.

**HB 1172**, relative to the adoption of rules for certain wetland permits.

**HB 1194**, relative to medical records.

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

**HB 1277**, increasing the optional veterans' property tax credit.

**HB 1410-L**, ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

**HB 1483**, relative to municipal budget committees.

**SB 34**, relative to the process for nonrenewal of teacher contracts

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk.

**SB 415**, relative to the severing of joint tenancies in property by divorce.

**At the time of recess on June 27, 2002, the following House bills remained on the table in the Senate:**

**HB 157**, clarifying the immunity from liability of persons providing emergency care.

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils.

**HB 325-FN**, relative to certain acts of sexual assault.

**HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 586**, excluding stepchildren from the definition of "child" in the context of support orders.

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12.

**HB 686**, relative to the scope of discovery in abuse and neglect cases.

**HB 722**, relative to town, village district, and school district elections.

**HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

**HB 1221**, relative to coordinating certain town and school district meetings.

**At the time of recess on June 27, 2002, the Senate refused introduction of the following House bills:**

**HB 2002**, apportioning state representative districts.

**HCO 1**, an order relative to implementing an election pursuant to representative districts established in the order.

## **COMMITTEES CREATED BY 2002 CHAPTERS**

### **EXTENDED REPORTING DATES FOR CHAPTER STUDY COMMITTEES**

**ASSISTANCE TO NEEDY FAMILIES AND POSTSECONDARY EDUCATION STUDY COMMITTEE** (SB 313, Chapter 122:3, Laws of 2000). Reporting date extended by SB 411, Chapter 50:3, Laws of 2002.

**COMMISSION ON APPELLATE SYSTEM REFORM** (HB 135, Chapter 159:2, Laws of 2001). Reporting date extended by SB 306, Chapter 33:1, Laws of 2002.



**COMMISSION ON DEVELOPING A STATEWIDE PROTOCOL FOR INTERVIEWING VICTIMS OF SEXUAL ASSAULT CRIMES** (HB 475, Chapter 245:1, Laws of 2001). Reporting date extended by HB 567, Chapter 29:1, Laws of 2002.

**COMMISSION TO STUDY THE CREATION OF AFFORDABLE HOUSING** (SB 21, Chapter 262:3, Laws of 2001). Reporting date extended by SB 411, Chapter 50:1, Laws of 2002.

**CREATION OF AT-HOME INFANT CHILD CARE PROGRAM** (HB 405, Chapter 240:1, Laws of 2001). Reporting date extended by HB 1435, Chapter 65:1, Laws of 2002.

**ENCRYPTION OF CONFIDENTIAL INFORMATION** (HB 142, Chapter 31:2, Laws of 2001). Reporting date extended by HB 1435, Chapter 65:2, Laws of 2002.

**FAMILY CAREGIVERS INFORMATION AND SUPPORT NEEDS** (HB 569, Chapter 60:2, Laws of 2001). Reporting date extended by HB 1435, Chapter 65:3, Laws of 2002.

**HEALTH CARE PERSONNEL AND SUPPORT STAFF SHORTAGE** (HB 143, Chapter 32:2, Laws of 2001). Reporting date extended by HB 1435, Chapter 65:4, Laws of 2002.

**SECURE FACILITIES AND COMMUNITY SHELTER CARE FACILITIES TO SERVICE JUVENILES** (SB 55, Chapter 97:3, Laws of 2001). Reporting date extended by SB 411, Chapter 50:2, Laws of 2002.

**STATUS OF VETERANS IN NEW HAMPSHIRE** (HB 397, Chapter 27:2, Laws of 2001). Extended by HB 1453, Chapter 76:1, Laws of 2002.

**TASK FORCE ON DEAFNESS AND HEARING LOSS** (HB 326, Chapter 177:2, Laws of 2001). Extended by HB 1465, Chapter 105:1, Laws of 2002.

**USE OF BUSINESS LOGO SIGNING ON DIVIDED HIGHWAYS** (SB 134, Chapter 153:2, Laws of 2001). Extended and duties of the committee repealed and re-enacted by SB 414, Chapter 164:1, Laws of 2002.

**WATER WITHDRAWALS ON INSTREAM FLOWS STUDY** (SB 330, Chapter 242:2, Laws of 2000). Extended by HB 1449, Chapter 278:6, Laws of 2002.

### **STATUTORY COMMITTEES AMENDED**

**ADMINISTRATIVE RULES** (RSA 541-A:2). Alternate membership amended by SB 331, Chapter 150:5, Laws of 2002. Services and staffing amended by HB 1415, Chapter 217:7, Laws of 2002.

**BOARD OF MANUFACTURED HOUSING** (RSA 205-A:25, I). Membership amended by SB 371, Chapter 109:2, Laws of 2002. Meetings and records amended by HB 1153, Chapter 92:6, Laws of 2002

**BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL** (RSA 137-K:2). Amended by SB 182, Chapter 245:1, Laws of 2002.

**ENVIRONMENTAL RESEARCH ADVISORY COMMITTEE** (RSA 187-B:1). Amended by HB 1478, Chapter 258:3, Laws of 2002.

**EQUALIZATION STANDARDS BOARD** (RSA 21-J:14-c). Amended by HB 1415, Chapter 217:5, Laws of 2002.

**GRANT REVIEW COMMITTEE** (RSA 188-F:52). Terms and compensation repealed by SB 201, Chapter 127:1, Laws of 2002.

**JOINT LEGISLATIVE FACILITIES** (RSA 17-E:2). Amended by HB 1441, Chapter 135:1, Laws of 2002.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS** (RSA 227-M:4). Amended by HB 1000, Chapter 148:10, Laws of 2002.

**SKYHAVEN AIRPORT OPERATION COMMISSION** (RSA 422:37). Statutory site amended by HB 317, Chapter 6, Laws of 2002.

**WORKERS' COMPENSATION ADVISORY COUNCIL** (RSA 281-A:62). Amended by HB 1142, Chapter 122:1, Laws of 2002.

### **STATUTORY COMMITTEES REPEALED**

**WATER REVOLVING LOAN FUNDS ADVISORY** (RSA 486:14, 1). Repealed by HB 1106, Chapter 251:1, Laws of 2002

**LOCAL GOVERNMENT ADVISORY COMMITTEE** (RSA 19-F). Repealed by HB 1106, Chapter 251:1, Laws of 2002

**NEW HAMPSHIRE INDUSTRIAL HERITAGE COMMISSION** (RSA19-D). Repealed by HB 1106, Chapter 251:1, Laws of 2002

### **CHAPTER STUDIES**

#### **HB 134 (Chapter 264:2, Laws of 2002) – JUDICIAL CHALLENGES BY PARTIES IN CIVIL CASES PILOT PROGRAM OVERSIGHT COMMITTEE**

Sens. Sheila Roberge, Debora B. Pignatelli and Russell E. Prescott, appointed by the President of the Senate.

Reps. Robert H. Rowe, Terri C. Dudley and Peter E. Franklin, appointed by the Speaker of the House of Representatives

#### **HB 137 (Chapter 15:1, Laws of 2002) – DEFINITION OF DOMICILE FOR VOTING PURPOSES**

Reps. Priscilla P. Lockwood, Richard B. Drisko and John P. Kacavas, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, Gary R. Francoeur and George F. Disnard, appointed by the President of the Senate.

#### **HB 179 (Chapter 170:7, Laws of 2002) – JUVENILE JUSTICE SERVICE CAPACITY AND ADMINISTRATIVE SIMPLIFICATION**

Sens. Sheila Roberge and Debora B. Pignatelli, appointed by the President of the Senate.

Reps. David A. Bickford and Ruth Ginsburg, appointed by the Speaker of the House.

A representative of the New Hampshire Police Chief's Association, appointed by such association.

Mark C. Thompson, representative of the Department of Justice, appointed by the Attorney General.

Joseph Diamant, Director, Division of Juvenile Justice Services, appointed by the Commissioner of the Department of Health and Human Services.

Hon. Ellen Ann Robinson, Nashua, representative of the County Human Services Administrative Association.

Jack Lightfoot, Manchester, representative of the Child Advocacy Network, appointed by such organization.

Les Dolecal, Assistant Commissioner, appointed by the Commissioner of the Department of Corrections.

Tracy Connolly, Esq., Concord, local or county prosecutor, appointed by the Attorney General.

Hon. Paul H. Lawrence, representative of the District Court, appointed by the Administrative Justice of the District and Municipal Courts.

A representative of the New Hampshire Police Association, appointed by that association.

Katherine Cooper, Esq., Stratham, representative of the New Hampshire Public Defender Program, appointed by the Executive Director.

Richard N. Van Wickler, County Corrections Officer, appointed by the Attorney General.

Michael Skibbie, JD, representative of Justiceworks at the University of New Hampshire, appointed by the Director.

Joanne Baker, designee of the Commissioner of the Department of Education.

#### **HB 213 (Chapter 249:1, Laws of 2002) – EDUCATION PROPERTY TAX HARDSHIP RELIEF**

Reps. David W. Hess, Jeffrey D. Gilbert and Russell N. Cox, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, Lou D'Allesandro and Theodore L. Gatsas, appointed by the President of the Senate.

**HB 266 (Chapter 19:1, Laws of 2002) – RECODIFICATION OF THE ELECTION LAWS**

Reps. Thomas I. Arnold, Steve Vaillancourt and Sandra J. Reeves, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, Gary R. Francoeur and George F. Disnard, appointed by the President of the Senate.

**HB 329 (Chapter 173:1, Laws of 2002) – AIR QUALITY AND FIRE SAFETY IN PUBLIC SCHOOLS**

Reps. Phyllis M. Katsakiores (Health), Barbara C. French (Health), Iris W. Estabrook (Education) and Sharon M. Carson (Education), appointed by the Speaker of the House.

Sens. Russell E. Prescott (Public Institutions) and George F. Disnard (Education), appointed by the President of the Senate.

Matthew Cahillane, designee of the Director of the Division of Public Health Services.

Judith Fillion, designee of the Commissioner of the Department of Education.

The State Fire Marshal, or designee.

A representative of the New Hampshire School Boards Association, appointed by the President of the New Hampshire School Boards Association.

Two members of the public, appointed by the Governor with the consent of the Executive Council.

**HB 424 (Chapter 121:1, Laws of 2002) – EXEMPTION FROM PROPERTY TAXES FOR NOT-FOR-PROFIT HOSPITALS**

Reps. Kenneth L. Weyler, Marshall E. Quandt, Matthew J. Quandt, Robert J. Giuda and Nancy K. Johnson, appointed by the Speaker of the House of Representatives.

Sens. John S. Barnes, Jr., Theodore L. Gatsas, Sheila Roberge, Caroline McCarley and Clifton C. Below, appointed by the President of the Senate.

**HB 447 (Chapter 250:1, Laws of 2002) – TASK FORCE ON FAMILY LAW**

Stephanie Nute, Marital Master.

Hon. Tina Nadeau, Judge of the Superior Court.

Hon. John Mahr, Judge of the Family Division.

Peter Wolfe, Esq., Sullivan County Superior Court, alternative dispute resolution representative.

Byry Kennedy, Esq., attorney with the Department of Health and Human Services, Division of Children, Youth, and Families.

John Williams, Esq., representative of the Department of Health and Human Services, Division of Child Support and Child Support Enforcement.

Catherine Gordon Cauthorne, PhD, Child Psychologist.

Patti Blanchette, Esq., Portsmouth and David J. Braiterman, Esq., Concord, members of the New Hampshire Bar Association, one of whom shall be a member of the family law section.

John Cameron, Esq., Laconia, representative of Guardians Ad Litem.

Ellen Mullen, Program Specialist, DCYF, child impact provider/instructor.

Ronna Wise, Esq., representative from the Commission on the Status of Women.

A representative from the Commission on the Status of Men.

Linda Griebisch, representative of the New Hampshire Coalition Against Domestic and Sexual Violence.

Reps. Carolyn M. Gargas (Children) and Larry G. Elliott (Judiciary), appointed by the Speaker of the House of Representatives.

Sen. Sheila Roberge, appointed by the Senate President.

Colonel Richard Martel, Hampton, male community member who is also an experienced consumer of family law, mediation, family support, or children's services.

Susan Stearns, Concord, female community member who is also an experienced consumer of family law, mediation, family support, or children's services.

Honey Hastings, Amherst, Esq., and Marilyn T. Mahoney, two at-large members.

Nina C. Gardner, Executive Director of the Judicial Council.

**HB 447 (Chapter 250:13, Laws of 2002) – SHORTHAND COURT REPORTING**

Reps. Henry P. Mock, Janet G. Wall and Robert H. Rowe, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, Mark D. Fernald and Russell E. Prescott, appointed by the President of the Senate.

**HB 494 (Chapter 20:1, Laws of 2002) – PROPOSED HIGHWAYS PERMITTING AND STREAMLINING HEARING PROCESS**

Reps. Edwin O. Smith, Charles W. Morse and Candace C.W. Bouchard, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, Thomas R. Eaton and Lou D'Allesandro, appointed by the President of the Senate.

**HB 560 (Chapter 177:1, Laws of 2002) – RETIREMENT PLAN FOR THE JUDICIARY**

Sens. Robert K. Boyce, Theodore L. Gatsas and Debora B. Pignatelli, appointed by the President of the Senate.

Reps. Robert L. Wheeler, Merton S. Dyer and McKim W. Mitchell, Michael O'Neil (alternate), appointed by the Speaker of the House of Representatives.

**HB 1106 (Chapter 251:4, Laws of 2002) – RISK FACTOR OF RADON IN THE AIR AND WATER**

Sens. Russell E. Prescott (Environment), Arthur P. Klemm, Jr. and Clifton C. Below, appointed by the President of the Senate.

Reps. William M. Golding, Harold V. Lynde and Richard T. Cooney, appointed by the Speaker of the House of Representatives.

**HB 1107 (Chapter 88:2, Laws of 2002) – TELEPHONE POLICIES FOR JUVENILES UNDER THE CARE OF THE DEPARTMENT OF YOUTH DEVELOPMENT SERVICES**

Reps. Patricia A. Dowling, Laura C. Pantelakos and Edward P. Moran, appointed by the Speaker of the House of Representatives.

Sens. Robert K. Boyce, Caroline McCarley and Russell E. Prescott appointed by the President of the Senate.

**HB 1109 (Chapter 184:1, Laws of 2002) – PROBLEMS RELATED TO THE DELIVERY OF LOCAL ASSISTANCE**

Reps. Robert W. Brundige, William G. Johnson and Betsey L. Patten, appointed by the Speaker of the House.

Sens. Robert K. Boyce, Katherine W. Wheeler and Jane E. O'Hearn, appointed by the President of the Senate.

Lance Deplante, Office of Homeless and Housing Services, Department of Health and Human Services, appointed by the Commissioner of the Department of Health and Human Services.

Lisabritt Solsky, Division of Family Assistance, Department of Health and Human Services, appointed by the Commissioner of the Department of Health and Human Services.

Christine D. Spicher, Keene, and Janet Poulin, Dover, representatives New Hampshire Local Welfare Administrators Association, appointed by that organization.

April Whittaker, Hopkinton, appointed by the New Hampshire Municipal Association.

Roy Morrison, Chocorua, representative of the New Hampshire Coalition to End Homelessness, appointed by that organization.

Deacon Bob Anderson, Diocese of Manchester, representative of the New Hampshire Council of Churches, appointed by that organization.

Elliott Berry, appointed by New Hampshire Legal Assistance.

Linda Griebisch, Concord, appointed by the New Hampshire Coalition Against Domestic and Sexual Violence.

One representative of the New Hampshire Community Action Program, appointed by that organization.

**HB 1111 (Chapter 185:1, Laws of 2002) – PROCEDURES FOR LAKE LEVEL INVESTIGATIONS AND ORDERS UNDER RSA 482:79**

Reps. David M. Lawton, James G. Phinizy, David H. Russell and Donald R. Philbrick, appointed by the Speaker of the House.

Sens. Carl R. Johnson, Burton J. Cohen and Russell E. Prescott, appointed by the President of the Senate.

**HB 1131 (Chapter 37:2, Laws of 2002) – INCREASING THE NUMBER OF PHYSICIANS WHO ARE NH RESIDENTS**

Reps. Sandra C. Harris, Peter L. Batula and Hilda W. Sokol, appointed by the Speaker of the House of Representatives.

Sens. Jane E. O'Hearn, Harold W. Burns and Sheila Roberge, appointed by the President of the Senate.

**HB 1151 (Chapter 188:2, Laws of 2002) – EXAMINE AND ASSESS THE STATUS OF CIVIC EDUCATION IN NEW HAMPSHIRE**

Reps. Charles E. Sova and J.D. Colcord, appointed by the Speaker of the House.

Sens. Jane E. O'Hearn and Sylvia B. Larsen, appointed by the President of the Senate.

Paul Leather, designee of the Commissioner of the Department of Education; Kenneth J. Relihan (alternate).

Graham Chynoweth, Canterbury, designee of the Secretary of State.

Laura Kessler, Sunapee (Primary Educator) and Arthur Pease, Lebanon (Secondary Educator), appointed by the Commissioner of the Department of Education.

B. Thomas Trout, Associate Dean, Kristin Alvarez, (Alternate), appointed by the Chancellor of the University System of New Hampshire.

Rev. Dale Kuehne, Ph.D., representative from the New Hampshire Institute of Politics at Saint Anselm College, appointed by the President of the College.

Richard Ashooh, Nashua, representative from the business community, appointed by the President of the Senate.

Ms. Tasha Graff, Randolph, high school student, appointed by the Speaker of the House.

Christopher Siefken, Manchester, undergraduate student from a college in New Hampshire, appointed by the President of the Senate.

Andrei Campeanu, Derry, naturalized American citizen, appointed by the Governor with the consent of the Executive Council.

A permanent resident who has applied for naturalization, appointed by the Governor with the consent of the Executive Council.

Tony Prizio, Barnstead, parent involved in home schooling, appointed by the Speaker of the House.

Helen Hamilton, Manchester, Executive Director, Kids Voting USA, appointed by the President of the Senate.

Hon. Elizabeth K. Hoadley, Concord, representative of the New Hampshire School Boards Association, appointed by that association.

William E. Thomas, Auburn, appointed by NEA-New Hampshire.

Richard J. Ducey, Center Barnstead, veteran of the United States armed services who is not a member of the New Hampshire General Court, appointed by the Governor with the consent of the Executive Council.

**HB 1153 (Chapter 92:1, Laws of 2002) – JURISDICTION OF THE BOARD OF MANUFACTURED HOUSING**

Reps. Marshall E. Quandt, Kathleen N. Taylor and Jane S. Langley, appointed by the Speaker of the House of Representatives.

Sens. John S. Barnes, Jr., Gary R. Francoeur and Sylvia B. Larsen, appointed by the President of the Senate.

**HB 1180 (Chapter 190:1, Laws of 2002) – TASK FORCE TO RESEARCH REVENUE TO FUND INTERMODAL TRANSPORTATION SYSTEMS IN NEW HAMPSHIRE**

Reps. George N. Katsakiores and John W. Flanders, appointed by the Speaker of the House of Representatives.

Two members representing rail interests, one nominated by the New Hampshire Railroad Revitalization Association and appointed by the Governor and one designated by the Department of Transportation.

Robert Spoerl, designee of the Commissioner of the Department of Resources and Economic Development.

Jack W. Ferns, Director of the Division of Aeronautics, Department of Transportation, Ron Wanner (alternate).

A representative of the trucking industry, nominated by the New Hampshire Motor Transport Association and appointed by the Governor.

One financial consultant, appointed by the Governor.

Michael Ablowich, Commissioner of Treasury.

The Commissioner of the Department of Transportation, or designee.

**HB 1182 (Chapter 55:1, Laws of 2002) – LONG-TERM SUPPORTS FOR ELDERLY AND ADULTS WITH DISABILITIES**

Reps. Alida I. Millham, Peter L. Batula and Hilda W. Sokol, appointed by the Speaker of the House of Representatives.

Sens. Russell E. Prescott, Jane E. O'Hearn and Caroline McCarley, appointed by the President of the Senate.

**HB 1218 (Chapter 281:9, Laws of 2002) – MEDICAID PRESCRIPTION DRUG BENEFITS MANAGEMENT PROGRAM OVERSIGHT COMMITTEE**

Reps. Janeen Dalrymple, Rogers J. Johnson and Judson K. Dexter, appointed by the Speaker of the House.

Sens. Russell E. Prescott, Theodore L. Gatsas and Sylvia B. Larsen, appointed by the President of the Senate.

**HB 1223 (Chapter 31:1, Laws of 2002) – MODEL INSURANCE RATING LAWS**

Reps. Leo W. Fraser, John B. Hunt and Tara G. Reardon, appointed by the Speaker of the House of Representatives.

Sens. Harold W. Burns, Katherine W. Wheeler and Robert B. Flanders, appointed by the President of the Senate.

**HB 1236 (Chapter 193:1, Laws of 2002) – ADJUDICATION OF DIVORCES**

Reps. Larry G. Elliott, Maxwell D. Sargent, Janet G. Wall, David A. Bickford, James W. Craig and Thomas I. Arnold, appointed by the Speaker of the House.

**HB 1247 (Chapter 60:1, Laws of 2002) – IMPACT ON REVENUE FLOWS TO MUNICIPALITIES FROM LANDS BOUGHT BY FEDERAL, STATE AND OTHER PUBLIC AGENCIES**

Reps. John T. Gallus, Pierre W. Bruno and D.L. Chris Christensen, appointed by the Speaker of the House of Representatives.

Sens. Harold W. Burns, Daniel P. O'Neil and Sheila Roberge, appointed by the President of the Senate.

**HB 1264 (Chapter 231:2, Laws of 2002) – MOTOR VEHICLE TRIALS EFFICIENCY AND OPERATION IN DISTRICT COURT**

Sens. Edward Gordon, Robert B. Flanders and Debora B. Pignatelli, appointed by the President of the Senate.

Reps. John E. Tholl (Criminal Justice), Henry P. Mock (Judiciary) and Joseph E. Stone (Finance), appointed by the Speaker of the House of Representatives.

**HB 1281 (Chapter 203:1, Laws of 2002) – PUBLIC EDUCATION CHOICE INITIATIVES**

Reps. Charles E. Sova, John R.M. Alger and Steve J. Winter, appointed by the Speaker of the House of Representatives.

Sens. Jane E. O'Hearn, George F. Disnard and Carl R. Johnson, appointed by the President of the Senate.

**HB 1299 (Chapter 273:1, Laws of 2002) – MARRIAGE EDUCATION AND ENHANCEMENT PROGRAM**

Reps. Barbara H. Richardson, Barbara C. French, Gary S. Hopper, Claire B. McHugh, Loren J. Jean and Christine M. Furman, appointed by the Speaker of the House of Representatives.

**HB 1311 (Chapter 235:3, Laws of 2002) – PROTECTION FROM SUBPOENA OF MEDICAL RECORDS OBTAINED IN AN INVOLUNTARY EMERGENCY ADMISSION**

Reps. Janet G. Wall, Larry G. Elliott, Terri C. Dudley, Peter E. Franklin, Loren Jean and John M. Pratt, appointed by the Chairman of the House Judiciary Committee.

**HB 1337 (Chapter 22:2, Laws of 2002) – INFANT DEAFNESS PROGRAM REVIEW AND IMPLEMENTATION**

Reps. Andre A. Martel (Health), Daniel M. Burnham (Health) and Leo W. Fraser, appointed by the Speaker of the House of Representatives.

Sens. Jane E. O'Hearn (Public Institutions), Caroline McCarley (Public Institutions) and Russell E. Prescott, appointed by the President of the Senate.

**HB 1349 (Chapter 212:1, Laws of 2002) – ELECTRIC UTILITY RESTRUCTURING BY CONNECTICUT VALLEY ELECTRIC COMPANY TERRITORY**

Reps. Stephen Sloan (Science), Michael D. Harrington (Science), Gary R. Gilmore (Science), Beverly T. Rodeschin and John R. Cloutier, appointed by the Speaker of the House

Sens. Carl R. Johnson, Clifton C. Below, Theodore L. Gatsas, Harold W. Burns and Burton J. Cohen, appointed by the President of the Senate.

**HB 1406 (Chapter 239:4, Laws of 2002) – NATIONAL GUARD EDUCATION ASSISTANCE ACT**

Reps. Pamela D. Coughlin, Stephen G. Avery and Richard F. Heon, appointed by the Speaker of the House of Representatives.

Sens. John S. Barnes, Jr., Sheila Roberge and Sylvia B. Larsen, appointed by the President of the Senate.

Captain Jerome Loring, officer of the New Hampshire Army National Guard Education Services, appointed by the Adjutant General for the New Hampshire National Guard.

Chief Master Sargent Jackie Page, officer of the New Hampshire Air National Guard Education Services, appointed by the Adjutant General for the New Hampshire National Guard.

Lonn Sattler, Durham, representing the University System of New Hampshire, appointed by that organization.

John O'Donnell, Commissioner, Department of Regional Community-Technical Colleges.

**HB 1414 (Chapter 103:11, Laws of 2002) – TAXATION OF EARTH AS DEFINED IN RSA 155-E**

Reps. Robert L. Wheeler, Howard C. Dickinson and Susan W. Almy, appointed by the Speaker of the House of Representatives.

Sens. Robert K. Boyce, Theodore L. Gatsas and Lou D'Allesandro, appointed by the President of the Senate.

**HB 1420 (Chapter 218:1, Laws of 2002) – TASK FORCE TO DEFINE THE PRACTICE OF LAW IN NEW HAMPSHIRE**

Sens. Sheila Roberge, Edward Gordon and Debora B. Pignatelli, appointed by the President of the Senate.

Reps. Phyllis L. Woods, Tony F. Soltani and Paul M. Mirski, appointed by the Speaker of the House of Representatives.

M. Kristin Spath, Attorney from the Department of Justice, Consumer Protection and Antitrust Bureau, appointed by the Attorney General.

Randall F. Cooper, Esquire, appointed by the New Hampshire Bar Association.

Theo Kamasinski, Esq., (Senate) and Frank Simard, Plaistow (House), not members of the New Hampshire Bar but have represented clients before New Hampshire courts, one of whom shall be appointed by the Senate President and one of whom shall be appointed by the Speaker of the House of Representatives.

Mitchel Simon, appointed by the Dean of Franklin Pierce Law Center.

Arthur H. Slattey, Amherst, appointed by the New Hampshire Real Estate Commission.

Raymond Taylor, Esq., Clerk of a New Hampshire Court, appointed by the Chief Justice of the Supreme Court.

Hon. Douglas Gray, retired New Hampshire Judge, appointed by the Chief Justice of the Supreme Court.

Lisa Holmes, New Boston (Senate) and Candace MacMinn, Hooksett (House), represented in legal proceedings by persons who are not members of the New Hampshire Bar, one of whom shall be appointed by the Senate President and one of whom shall be appointed by the Speaker of the House of Representatives.

Sandra Matheson, Director, Office of Victim/Witness Assistance, appointed by the Governor.

Renee Wormell, Manchester, representative of the New Hampshire Banking Association.

**HB 1447 (Chapter 104:2, Laws of 2002) – METHODS OF SUPPORTING THE CONTINUED OPERATION OF WOOD-FIRED ELECTRICAL GENERATING FACILITIES**

Reps. William W. Gabler (Science), Beverly T. Rodeschin, Stephen Sloan (Science), Terie T. Norelli (Science), Bob Odell (Resources) and Burton W. Williams (alternate), appointed by the Speaker of the House of Representatives.

Sens. Harold W. Burns, Robert B. Flanders, Sheila Roberge, Burton J. Cohen and Clifton C. Below, appointed by the President of the Senate.

**HB 1469 (Chapter 137:1, Laws of 2002) – ELIGIBILITY OF STATE EMPLOYEES TO RECEIVE A RETIREMENT SYSTEM BENEFIT WHILE IN SERVICE**

Reps. Merton S. Dyer, Carl G. Robertson and Donald R. Lent, appointed by the Speaker of the House of Representatives.

Sens. Carl R. Johnson, Lou D'Allesandro and Gary R. Francoeur, appointed by the President of the Senate.

**HB 2000 (Chapter 259:2, Laws of 2002) – TRANSPORTATION PROJECTS STUDY**

Sens. Thomas R. Eaton, Arthur P. Klemm, Jr. and Daniel P. O'Neil, appointed by the President of the Senate.

Reps. Leon Calawa, John A. Graham and Bernard L. Benn, appointed by the Speaker of the House of Representatives.

**HB 2000 (Chapter 259:4, Laws of 2002) – DISTRIBUTION OF THE SPECIAL RAILROAD FUND TO MUNICIPALITIES ALONG THE STATE-OWNED RIGHT-OF-WAY**

Sens. Robert B. Flanders, Sylvia B. Larsen and Jane E. O'Hearn, appointed by the President of the Senate.

Reps. Gene G. Chandler, Howard C. Dickinson and Edwin O. Smith, appointed by the Speaker of the House of Representatives.

**SB 124 (Chapter 243:3, Laws of 2002) – GRAFTON COUNTY COURT PILOT PROJECT OVERSIGHT COMMITTEE**

Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.

Sens. Edward Gordon, Sheila Roberge, Debora B. Pignatelli, appointed by the President of the Senate.

**SB 187 (Chapter 68:1, Laws of 2002) – EMINENT DOMAIN PROCEEDINGS STUDY**

Sens. Edward Gordon, Clifton C. Below and Theodore L. Gatsas, appointed by the President of the Senate.

Reps. Edwin O. Smith, Michael D. Harrington, John M. Pratt, Candace C.W. Bouchard (alternate) and Fran Wendelboe (alternate), appointed by the Speaker of the House of Representatives.

**SB 316 (Chapter 69:2, Laws of 2002) – FISCAL RELATIONSHIP BETWEEN THE PEASE DEVELOPMENT AUTHORITY AND THE STATE AND ITS POLITICAL SUBDIVISIONS**

Sens. Robert K. Boyce, John S. Barnes, Jr. and Caroline McCarley, appointed by the President of the Senate.

Reps. William E. Leber, John A. Graham and Marjorie K. Smith, appointed by the Speaker of the House of Representatives.

**SB 320 (Chapter 70:1, Laws of 2002) – INDEPENDENT LIVING RETIREMENT COMMUNITIES REVIEW**

Sens. Theodore L. Gatsas, Daniel P. O'Neil and Sheila Roberge, appointed by the President of the Senate.

Reps. Andre A. Martel, James R. MacKay and Barbara C. French, appointed by the Speaker of the House of Representatives.

**SB 321 (Chapter 138:1, Laws of 2002) – REQUIREMENTS REGARDING THE LEGAL RESIDENCY OF HOMELESS CHILDREN**

Reps. Clair A. Snyder, Sharon M. Carson and Debra A. Naro, appointed by the Speaker of the House of Representatives.

Sens. Jane E. O'Hearn, Edward Gordon and George F. Disnard, appointed by the President of the Senate.



**SB 326 (Chapter 199:1, Laws of 2002) – WORKERS' COMPENSATION HEARINGS AND APPEALS PROCESS AT THE DEPARTMENT OF LABOR**

Sens. Robert B. Flanders, Katherine W. Wheeler and Sheila Roberge, appointed by the President of the Senate.

Reps. Robert S. Mercer, Randolph Holden, Benjamin C. Baroody and Leo W. Fraser (alternate), appointed by the Speaker of the House of Representatives.

**SB 328 (Chapter 23:1, Laws of 2002) – PERMIT SYSTEM FOR VESSELS REGISTERED IN ANOTHER STATE USING NH WATERS**

Sens. Thomas R. Eaton, Robert B. Flanders and Burton J. Cohen, appointed by the President of the Senate.

Reps. Gordon E. Bartlett, Peter R. Cote and John W. Flanders, appointed by the Speaker of the House of Representatives.

**SB 347 (Chapter 10:1, Laws of 2002) – PUBLIC BUILDING ACCESS AND THE DISABLED**

Sens. Robert K. Boyce, Sylvia B. Larsen and Russell E. Prescott, appointed by the President of the Senate.

Reps. James R. MacKay, Peter L. Batula and Carol A. Williams, appointed by the Speaker of the House of Representatives.

**SB 351 (Chapter 41:1, Laws of 2002) – EXPANSION OF ELIGIBLE PROJECTS IN THE AID TO PUBLIC WATER SYSTEMS FINANCIAL ASSISTANCE PROGRAMS**

Sens. Robert B. Flanders, Carl R. Johnson and Burton J. Cohen, appointed by the President of the Senate.

Reps. Betsey L. Patten, Mary R. Cooney and David H. Russell, appointed by the Speaker of the House of Representatives.

Philip H. Bilodeau, Deerfield, nominated by the New Hampshire Municipal Association, and appointed by the Governor.

Brian Goetz, Hampton Water Works Company, member of the New Hampshire Water Works Association, nominated by the association and appointed by the Governor.

Thomas R. Steele, representative of the Conway Village Fire District, appointed by the Conway Village Fire District Commissioners

**SB 361 (Chapter 43:1, Laws of 2002) – DEVELOPING COMPUTERIZED EMERGENCY WARNING SYSTEMS**

Sens. Russell E. Prescott, Clifton C. Below and Robert B. Flanders, appointed by the President of the Senate.

Reps. John H. Thomas, Stephen Sloan and Naida Kaen, appointed by the Speaker of the House of Representatives.

**SB 385 (Chapter 4:1, Laws of 2002) – ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES OVERSIGHT COMMITTEE**

Sens. Arthur P. Klemm, Jr., Thomas R. Eaton and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Sherman A. Packard, Robert J. Letourneau and Brenda L. Ferland, appointed by the Speaker of the House of Representatives.

The Commissioner of Safety, or designee.

David Wihby, Manchester, municipal official, appointed by the President of the Senate.

Hon. Kipp A. Cooper, Concord, municipal official, appointed by the Speaker of the House of Representatives.

**SB 400 (Chapter 44:2, Laws of 2002) – POISON INFORMATION AND CONTROL CENTER ISSUES STUDY**

Sens. Sheila Roberge, Jane E. O'Hearn and Katherine W. Wheeler, appointed by the President of the Senate.

Reps. James R. MacKay, Gloria Seldin and Janeen Dalrymple, appointed by the Speaker of the House of Representatives.

**SB 413 (Chapter 24:1, Laws of 2002) – NURSING HOME EMPLOYEES BACKGROUND CHECKS**

Sens. Robert K. Boyce, Katherine W. Wheeler and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Alida I. Millham, Barbara C. French and James P. Pilliod, appointed by the Speaker of the House of Representatives.

**SB 435 (Chapter 72:3, Laws of 2002) – MENTAL HEALTH COURT PILOT PROGRAM IN THE KEENE DISTRICT COURT**

Sens. Sheila Roberge, Katherine W. Wheeler and George F. Disnard, appointed by the President of the Senate.

Reps. Larry G. Elliott, Peter F. Bergin and McKim W. Mitchell, appointed by the Speaker of the House of Representatives.

**SB 437 (Chapter 141:7, Laws of 2002) – FORMATION OF REGIONAL WATER SYSTEMS**

Reps. Richard T. Cooney, MaryAnn N. Blanchard and Pierre W. Bruno, appointed by the Speaker of the House of Representatives.

Sens. Russell E. Prescott, Beverly A. Hollingworth and Thomas R. Eaton, appointed by the President of the Senate.

**SB 441 (Chapter 220:4, Laws of 2002) – AVAILABILITY OF COMMUNICATION SYSTEMS BETWEEN AGENCIES OF THE STATE AND LOCAL GOVERNMENT**

Sens. Arthur P. Klemm, Jr., Theodore L. Gatsas and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Michael O'Neil, Carl G. Robertson and A. Theresa Drabinowicz, appointed by the Speaker of the House of Representatives.

**SB 442 (Chapter 248:1, Laws of 2002) – STATE MILITIA AND NATIONAL GUARD REVISION OF STATUTES STUDY**

Sens. John S. Barnes, Jr., Robert B. Flanders and Burton J. Cohen, appointed by the President of the Senate.

Reps. Pamela D. Coughlin, Stephen G. Avery and Richard F. Heon of the State-Federal Relations and Veterans Affairs Committee, appointed by the Speaker of the House of Representatives.

**STATUTORY COMMITTEES**

**RSA 4:9-e (HB 1471, Chapter 196:1, Laws of 2002) – SEPTEMBER 11 MEMORIAL**

Reps. Randolph Holden, James B. Rausch and Candace C.W. Bouchard, appointed by the Speaker of the House of Representatives.

Sens. Thomas R. Eaton, Lou D'Allesandro and Jane E. O'Hearn, appointed by the President of the Senate.

The Commissioner of Cultural Resources, or designee.

Michael P. Connor, designee of the Commissioner of Administrative Services.

**RSA 12-M:1 (SB 301, Chapter 223:3, Laws of 2002) – NEW HAMPSHIRE E-COMMERCE ADVISORY COMMITTEE**

Reps. John H. Thomas, Roy D. Maxfield, Norman L. Major and Harvey Keye, appointed by the Speaker of the House of Representatives.

Sens. Robert K. Boyce and Clifton C. Below, appointed by the President of the Senate.

Maurice Gilbert, Director of Audits, designee of the Commissioner of the Department of Revenue Administration.

The Commissioner of the Department of Resources and Economic Development, or designee.

One member representing the New Hampshire Municipal Association, appointed by that organization.

Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the Governor.

**RSA 21-I:71 (SB 439, Chapter 166:1, Laws of 2002) – INFORMATION TECHNOLOGY MANAGEMENT ADVISORY BOARD**

The Director of the Division of Information Technology.

Donald S. Hill, Commissioner of Administrative Services.

Carol A. Murray, Commissioner of Transportation.

The Commissioner of Health and Human Services.

Richard M. Flynn, Commissioner of Safety.

The Commissioner of Revenue Administration.

Michael L. Buckley, Legislative Budget Assistant.

Two heads of Department, appointed by the Governor.

Two senior information technology executives from the private sector, appointed by the Governor for a 3-year term.

Sens. Theodore L. Gatsas and Lou D'Allesandro, non-voting members, appointed by the Senate President for the duration of their legislative term.

Reps. Raymond C. Cummings and Naida L. Kaen, non-voting members, appointed by the Speaker of the House of Representatives for the duration of their legislative term.

The Chancellor of the University System of New Hampshire, or designee, who shall serve as a non-voting member.

The Governor, or designee, who shall serve as the chairperson of the board.

#### **RSA 21-P:51 (HB 1478, Chapter 258:23, Laws of 2002) – EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE**

Reps. Peter L. Batula (Health), James R. MacKay (Health), Robert E. Clegg, Kenneth L. Weyler, Sandra C. Harris and John H. Thomas (Science), appointed by the Speaker of the House.

Sens. Theodore L. Gatsas, Lou D'Allesandro and Robert K. Boyce, appointed by the Senate President.

#### **RSA 115-A:2 (HB 1453, Chapter 76:3, Laws of 2002) – STATE VETERANS' ADVISORY COMMITTEE**

Reps. Stephen G. Avery (State-Federal) and Richard F. Heon, appointed by the Speaker.

Sens. John S. Barnes, Jr. (Public Affairs) and Lou D'Allesandro, appointed by the President of the Senate.

Ten Representatives of the various veterans' organizations in the State of New Hampshire.

#### **RSA 188-E:15 (HB 1231, Chapter 271:1, Laws of 2002) – PRE-ENGINEERING TECHNOLOGY ADVISORY COUNCIL**

Rep. William E. Leber, appointed by the Speaker of the House.

Sen. Jane E. O'Hearn, appointed by the President of the Senate.

Paul Leather, designee of the Commissioner of the Department of Education.

William G. Simonton, President of the New Hampshire Technical Institute.

Robert M. Henry, Durham, designee of the Dean of the University of New Hampshire College of Engineering and Physical Sciences.

Three superintendents from school administrative units in which at least one school offers a pre-engineering technology curriculum to its students, appointed by the Governor and Council.

Six members of the public representing businesses or other organizations, firms, or institutions which hire engineers or engineering technologists, appointed by the Governor and Council.

#### **RSA 490-C:1 (SB 367, Chapter 206:1, Laws of 2002) – GUARDIAN AD LITEM BOARD**

One member representing the New Hampshire supreme court, appointed by the chief justice of the New Hampshire supreme court.

Sen. Edward Gordon, appointed by the President of the Senate.

Rep. David A. Bickford, appointed by the Speaker of the House.

Nina C. Gardner, Executive Director of the New Hampshire Judicial Council.

Marcia Sink, Manchester, Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the Governor.

Jack Lightfoot, Manchester, representing Child and Family Services, appointed by the Governor.

Attorney Lawrence A. McLeod, Jr., member representing the interests of guardians ad litem, appointed by the Governor.

Linda Griebisch, Concord and Cherie Whitcomb, Concord, members of the general public representing the interests of those individuals receiving the services of guardians ad litem, appointed by the Governor.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

RESIGNED

01/11/01	Hills. 29	Alciere, Tom, r
02/28/01	Hills. 44	Beaupre, Roland O., r
08/01/01	Hills. 42	Duval, Jeffrey S., d
08/12/01	Rock. 22	Woekel, Ralph F., r
11/01/01	Rock. 4	Dodge, Robert K., r
02/11/02	Hills. 47	Courchesne, Judy A., d
03/29/02	Hills. 25	White, Donald B., r
06/04/02	Merr. 5	Whalley, Michael D., r
06/07/02	Graf. 11	Scanlan, David M., r
06/14/02	Carr. 2	Sullivan, P. Judith, r
07/01/02	Ches. 19	Edwards, Dana A., r
07/23/02	Hills. 47	Thompson, Rob R., r
07/29/02	Straf. 10	Rollo, Michael S., d
08/16/02	Rock. 26	Giordano, Ronald A., r (as per RSA 655:28;29)
11/04/02	Coos 7	Rodrigue, Robert R., d

DECEASED

02/20/01	Ches. 11	Lambert, Bernard J., d
04/10/01	Hills. 39	Patria, Bonnie L., d
05/13/01	Rock. 29	Mikowski, Walter J., r
05/25/01	Ches. 15	Russell, Ronald G., d
11/09/01	Merr. 14	Poulin, David G., r
01/21/02	Merr. 13	Whittemore, James A., r
04/27/02	Straf. 12	Proulx, Raymond E., d
10/01/02	Merr. 13	Feuerstein, Martin, r
10/09/02	Coos 3	Horton, Lynn C., r
11/02/02	Ches. 8	Avery, Stephen G., r

SPECIAL ELECTIONS

Took oath:

05/03/01	Hills. 29	Gleneck, David J., r
05/09/01	Ches. 11	Liebl, George J., r
08/22/01	Rock. 29	Dumaine, Dudley D., r
10/10/01	Hills. 44	Dionne, David M., d
10/24/01	Hills. 42	Murphy, Robert E., d
10/24/01	Ches. 15	Slack, Pamela Russell, d
11/21/01	Hills. 39	Sullivan, Peter M., d
12/05/01	Rock. 22	O'Neil, Michael, r
02/06/02	Merr. 14	Burney, Carol T., d
02/20/02	Rock. 4	Boynton, James R., r
05/15/02	Merr. 13	Ouellette, Robert O., r&d

CHANGE IN PARTY AFFILIATION

01/03/01	Rock. 22	Kelley, Jane P., (d to r)
05/08/01	Merr. 12	Davis, Frank W., (r to d)

PARTY BREAKDOWN ON THE 400 SEATS

Republicans:	245, R	1 R&D	=	246
Democrats:	139, D		=	139
Libertarian:	01, L		=	001
Currently elected and qualified:			=	386
Vacancies: Resignations 10, Deaths 4			=	014
Total Seats:			=	400
Men: 269, Women: 117				

**TABLE OF REFERENCES**  
**FROM CHAPTER OF 2002 LAWS TO BILL NUMBERS**

<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>
1	SB 56	51	HB 462-FN	101	HB 1372-FN
2	SB 115-FN	52	HB 1104	102	HB 1398
3	HB 237	53	HB 1133	103	HB 1414-FN-A-L
4	SB 385	54	HB 1166	104	HB 1447
5	HB 1411-FN-A	55	HB 1182	105	HB 1465
6	317-FN	56	HB 1184-FN	106	HB 1473-FN-A
7	393-FN	57	HB 1201	107	SB 313
8	285-FN-L	58	HB 1215	108	SB 319
9	SB 26	59	HB 1225	109	SB 371-FN
10	SB 347	60	HB 1247	110	SB 381
11	HB 498	61	HB 1254	111	SB 409
12	HB 681	62	HB 1285	112	SB 426
13	HB 1110	63	HB 1367-FN	113	SB 433
14	HB 1397	64	HB 1422	114	SB 453
15	HB 137	65	HB 1435	115	HB 1118
16	HB 1136	66	HB 1442	116	HB 1148
17	HB 1222	67	HB 1443	117	HB 1190
18	HB 1384	68	SB 187-FN	118	HB 1437-FN-A
19	HB 266	69	SB 316	119	HB 386
20	HB 494	70	SB 320	120	HB 404
21	HB 1120	71	SB 398-FN	121	HB 424
22	HB 1337	72	SB 435-FN	122	HB 1142
23	SB 328	73	HB 701	123	HB 1159
24	SB 413	74	HB 1305-FN	124	HB 1170
25	HB 1256	75	HB 1402	125	SB 52
26	SB 102-A	76	HB 1453	126	SB 133-FN-A
27	HB 141-L	77	SB 418-FN	127	SB 201-FN
28	HB 419	78	SB 404	128	SB 309-FN
29	HB 567-FN-L	79	HB 1286	129	SB 314-FN
30	HB 1132	80	HB 1373-FN	130	HB 284-FN
31	HB1223	81	HB 1439-FN-A	131	HB 581-FN
32	SB 3	82	SB 446	132	HB 1352-FN-L
33	SB 306	83	HB 209-FN	133	HB 1419-FN-A
34	SB 394	84	HB 295-FN	134	HB 1438-FN-A
35	HB 1434	85	HB 380	135	HB 1441
36	HB 463-FN	86	HB 522-L	136	HB 1460-FN
37	HB 1131	87	HB 1102	137	HB 1469-FN
38	HB 1171	88	HB 1107	138	SB 321-L
39	SB 362	89	HB 1112	139	SB 455-FN-A
40	HB 379	90	HB 1121	140	HB 1302-FN
41	SB 351	91	HB 1135	141	SB 437-FN-L
42	SB 356	92	HB 1153	142	SB 440
43	SB 361-FN	93	HB1164	143	HB 1203
44	SB 400	94	HB 1167	144	HB 1208
45	SB 312	95	HB 1246	145	HB 1440-FN-A-L
46	SB 338	96	HB 1251	146	HB 1455-FN-L
47	SB 368	97	HB 1274	147	HB 1476
48	SB 369	98	HB 1308	148	HB 1000-FN-A
49	SB 370	99	HB 1314	149	SB 155-L
50	SB 411	100	HB 1336-FN	150	SB 331-FN

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
151	SB 334	195	HB 1354-FN	239	HB 1406
152	SB 337	196	HB 1471-FN	240	HB 1413
153	SB 339	197	HB 1482-FN-A	241	HB 1426-FN
154	SB 353	198	SB 64-FN-A	242	HB 1456-FN
155	SB 358	199	SB 326	243	SB 124
156	SB 386	200	HB 523	244	SB 161-FN-A
157	SB 388	201	HB 592-FN-A	245	SB 182-FN-A
158	SB 395	202	HB 631-L	246	SB 300
159	SB 399	203	HB 1281	247	SB 366
160	SB 405	204	HB 672	248	SB 442-FN
161	SB 406	205	SB 354	249	HB 213-FN
162	SB 408	206	SB 367	250	HB 447
163	SB 412	207	SB 422-FN	251	HB 1106
164	SB 414	208	SB 456-FN-A	252	HB 1134
165	SB 423-FN-A	209	HB 207-FN-L	253	HB 1348
166	SB 439	210	HB 1252	254	HB 1364-FN
167	SB 443-FN	211	HB 1268-FN	255	HB 1365-FN
168	SB 445-FN	212	HB 1349-FN-A	256	HB 1433
169	SB 452	213	HB 1356-FN	257	HB 1461-FN
170	HB 179-FN	214	HB 1357-FN	258	HB 1478-FN-A
171	SB 212-FN	215	HB 1361-FN	259	HB 2000
172	HB 253-FN	216	HB 1407	260	SB 140-FN-L
173	HB 329-FN-L	217	HB 1415	261	SB 360-FN
174	HB 517-L	218	HB 1420	262	SB 403-FN
175	HB 550-FN	219	HB 1451-FN-A	263	SB 451
176	HB 557-FN-A	220	SB 441-FN-A	264	HB 134
177	HB 560-FN-A	221	HB 1390	265	HB 439-FN-A
178	HB 650-FN	222	HB 1423-FN	266	HB 556-FN-A
179	HB 660	223	SB 301	267	HB 587-FN-A
180	HB 661	224	SB 318	268	HB 718-FN
181	HB 678	225	SB 392	269	HB 1147
182	HB 706	226	HB 180-FN	270	HB 1156
183	HB 768-FN	227	HB 559-FN	271	HB 1231-FN
184	HB 1109	228	HB 617	272	HB 1235
185	HB 1111	229	HB 712-FN	273	HB 1299-FN
186	HB 1119-FN-L	230	HB 1210	274	HB 1318
187	HB 1139	231	HB 1264-FN-L	275	HB 1388
188	HB 1151	232	HB 1270-FN	276	HB 1429
189	HB 1175	233	HB 1273-FN	277	HB 1446
190	HB 1180	234	HB 1298	278	HB 1449-A
191	HB 1217	235	HB 1311	279	HB 1467-FN
192	HB 1220	236	HB 1344-L	280	HB 1472
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**2002**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HCO	House Concurrent Order
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
vac	vacate
wthd	withdrawn

## 2002 SESSION

## HOUSE BILLS

2001 BILLS RETAINED IN HOUSE COMMITTEES,  
BILLS THE SENATE RE-REFERRED OR INTRODUCED LATE

**HB 134**, permitting challenges to judges.

**new title:** requiring the supreme court to establish a pilot program in the superior and district courts of one county which allows each party in a civil case one challenge to the justice assigned to the case.

nonconc S am, conf 651, 812, 835, rep adop 843, enr am 855, enr 858 appointments 908 (Chapter 264)

**HB 137**, establishing a committee to study the definition of domicile for voting purposes.

**new title:** establishing a committee to study the definition of domicile for voting purposes and making a technical correction.

psd 18, 88, S conc 596, enr am & enr 646, appointments 908 (Chapter 15)

**HB 141-L**, relative to regulation of junk yards

conc S am 597, enr 648 (Chapter 27)

**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather.

S study 181

**HB 154**, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

S nonconc 181

**HB 157**, clarifying the immunity from liability of persons providing emergency care.

S LT Clerk's note 906

**HB 162-FN-L**, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

S nonconc 596

**HB 169-FN**, repealing the certificate of need law.

K 158

**HB 179-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age.

**new title:** including 17 year olds under RSA 169-B, the juvenile delinquency statute.

**2<sup>nd</sup> new title:** relative to the scope of RSA 169-B, the juvenile delinquency statute, and establishing a task force on juvenile justice service capacity.

am & Finance 90, psd 473- 474, 536, conc S am 808, enr am 851, enr 854, appointments 908 (Chapter 170)

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults.

nonconc S am, conf 598, 812, 835, rep adop843, enr 865 (Chapter 226)

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils.

S LT Clerk's note 906

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

S nonconc 203

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity conc S am 822, enr 857 (Chapter 209)



- HB 209-FN**, relative to original and youth operators' licenses.  
am 39-40, psd 88, conc S am 749, enr 825 (Chapter 83)
- HB 212-FN**, expanding income eligibility limits for education property tax hardship relief.  
**new title:** providing an alternative method of calculating state education property tax hardship relief.  
**2<sup>nd</sup> new title:** providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.  
am & Finance 213-214, am 474-475, psd 536, S conc 794, enr am 831, enr 842 (Chapter 171)
- HB 213-FN**, increasing the allowable amount of education property tax relief.  
**new title:** establishing a study committee on education property tax hardship relief.  
**2<sup>nd</sup> new title:** establishing a study committee on education property tax hardship relief, relative to appraisals of property for ad valorem tax purposes, and making an operating budget appropriation for hardship grants nonlapsing.  
am 40-41, psd 88, nonconc S am, conf 819, 830, rep adop843, enr 865, appointments 908 (Chapter 249)
- HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life.  
rem 223, K (RC) 64-67
- HB 225**, relative to applications for recounts.  
K 102
- HB 226**, relative to instructions to voters for straight-ticket voting.  
S nonconc 826
- HB 235**, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire.  
K 23
- HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.  
S conc 181, enr 185 (Chapter 3)
- HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities.  
K 118-119
- HB 252**, relative to rules promulgated by the supreme court.  
S nonconc 181
- HB 253-FN**, relative to mercury reductions.  
conc S am 824, enr 854 (Chapter 172)
- HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property.  
K 9-10
- HB 266**, establishing a committee to study recodification of the election laws.  
psd 18, 88, conc S am 597, enr 646, appointments 909 (Chapter 19)
- HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature.  
S nonconc 181
- HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature.  
study 107
- HB 281-FN**, establishing an independent administrative office of the courts.  
K 24

- HB 282-FN-L**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees.  
K 18
- HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants.  
**new title:** relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.  
am 57-62, psd 88, S conc 826, enr 843 (Chapter 130)
- HB 285-FN-L**, relative to the adoption of a state building code.  
rem 4, SO 76, am (RC) 119-127, adop(RC), psd 129, S conc 425, enr am 426, enr 552 (Chapter 8)
- HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child.  
S study 181
- HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief.  
**new title:** excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief.  
am & Finance 41, rem 256, SO 348, study 403
- HB 295-FN**, relative to medicaid recoveries from third party settlements.  
conc S am 696, enr 825 (Chapter 84)
- HB 298-FN-L**, relative to charter schools and establishing a charter school revolving fund.  
**new title:** relative to charter schools.  
am (2 RCs) 139-146, psd 180, conc S am 821, enr am 851, enr 854, veto sustained (RC) 866-870
- HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community.  
study 11
- HB 313-FN**, limiting access to certain business records.  
study 10
- HB 314-FN**, relative to administrative rules governing privacy.  
K 18-19
- HB 316-FN**, establishing the position of state energy manager.  
K 34
- HB 317-FN**, revising the New Hampshire Aeronautics Act  
S conc 203, enr 349, committee amended 907 (Chapter 6)
- HB 325-FN**, relative to certain acts of sexual assault.  
S LT Clerk's note 906
- HB 329-FN-L**, relative to school safety.  
**new title:** establishing a committee to study indoor air quality and fire safety in public schools.  
am 17-18, psd 88, S conc 826, enr am 835, enr 854, appointments 909 (Chapter 173)
- HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax.  
K 41
- HB 336-FN-A**, making capital appropriations to the university system of New Hampshire.  
K 34

- HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.  
study 19
- HB 342-FN**, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property.  
K 27
- HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor.  
**new title:** relative to diversified agricultural development.  
am 21, psd 88, S nonconc 695
- HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes.  
K 27
- HB 378**, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire.  
K 41-42
- HB 379**, apportioning the executive council districts.  
am 291-292, psd 350, S conc 647, enr am 651, enr 693 (Chapter 40)
- HB 380**, apportioning county commissioner districts.  
am 395-396, psd 423, conc S am 696, enr 826 (Chapter 85)
- HB 384**, relative to political expenditures.  
K 18
- HB 386**, relative to the relocation of the principal residence of a child.  
S conc 826, enr 843(Chapter 119 )
- HB 392**, establishing a committee to study the property tax status for land of agricultural fairs.  
**new title:** relative to a property tax exemption for property of agricultural fairs.  
am 27-28, psd 88, S nonconc 695
- HB 393**, relative to plant nurseries and nursery stock.  
S conc 181, enr am 203, enr 349 (Chapter 7)
- HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors.  
**new title:** relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.  
am & Exec Depts 10, psd 186, 199, S conc 826, enr 843 (Chapter 120)
- HB 409**, relative to qualification for admission to the New Hampshire bar.  
K 24
- HB 414**, relative to the adoption of instream flow rules.  
K 164-165
- HB 419**, apportioning delegates to state party conventions.  
am 258-263, psd 350, S conc 645, enr 648 (Chapter 28)
- HB 420**, apportioning state representative districts.  
am (RC) & remarks 292-306, psd 350, S conc 645, enr 646, veto sustained (RC) 870-874
- HB 423**, relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.  
K 35

- HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.  
rem 4, psd 80-81, 88, S conc 794, enr am 827, enr 843, appointments 909 (Chapter 121)
- HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management.  
K 42
- HB 432**, relative to the limit on appropriations to the capital reserve fund of a county.  
K 28
- HB 436**, eliminating nomination of a party by nomination papers.  
K 46
- HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area.  
**new title:** establishing a position of septage coordinator and making an appropriation therefor.  
am & Finance 28-29, psd 403, 423, nonconc S am, conf 749, 825, 835, rep adop 851, enr 858 (Chapter 265)
- HB 447**, relative to the establishment of parenting plans in certain domestic cases.  
**new title:** establishing a task force on family law.  
**2<sup>nd</sup> new title:** establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; and relative to the judicial conduct commission and making an appropriation therefor.  
**3<sup>rd</sup> new title:** establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; establishing a committee to study issues related to shorthand court reporting; and relative to the judicial conduct commission and making an appropriation therefor.  
am 4-6, psd 88, nonconc S am, conf 812, 830, rep adop 843 , enr am 858, enr 865, appointments 909 (Chapter 250)
- HB 448**, relative to procedures for crews and provision of counseling services following a railway accident.  
S nonconc 203
- HB 449**, relative to access to adoption records.  
K 6
- HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.  
**new title:** requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide orientation information for new members.  
psd 19, 88, conc S am 651, enr 750 (Chapter 51)
- HB 463-FN**, relative to protective services to adults  
conc S am 597, enr am 647, enr 651 (Chapter 36)
- HB 465**, relative to the admission to practice law and to bar association membership for attorneys.  
**new title:** relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.  
**2<sup>nd</sup> new title:** relative to lobbying activities of the New Hampshire Bar Association.  
**3<sup>rd</sup> new title:** relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification.  
am (2 RCs) 107-114, psd 129, nonconc S am, conf 823, 830, rep adop 843, enr am 858, enr 865, veto sustained (RC) 874-877

- HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.  
S LT Clerk's note 906
- HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation.  
K 44
- HB 472**, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire.  
K 34
- HB 476**, relative to the definition of a campsite.  
K 34
- HB 483**, repealing the Uniform Aircraft Financial Responsibility Act.  
K 19
- HB 485**, relative to physicians employed by hospitals.  
S nonconc 181
- HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways.  
am 34, psd 88, S conc 645, enr 646, appointments 910 (Chapter 20)
- HB 495**, relative to judicially appointed officials.  
S nonconc 181
- HB 498**, relative to standards for records filed with a registry of deeds.  
**new title:** exempting the Connecticut Lakes Headwaters Tract from the real estate transfer tax.  
conc S am 598, enr am 644, enr 645 (Chapter 11)
- HB 506**, prohibiting the granting of certain variances from zoning ordinances.  
K 29
- HB 507**, opening hearings in abuse and neglect cases to members of the general court and to certain other persons.  
K 135-136
- HB 512**, relative to off-site improvements imposed on applicants to a planning board.  
S nonconc 181
- HB 514**, relative to uniform prescription drug information cards.  
study 10
- HB 515-FN-L**, establishing parental choice scholarships.  
study 105
- HB 517-L**, relative to supply of water by village districts.  
**new title:** relative to supply of water by village districts, and authorizing Carroll county to operate a public water system.  
conc S am 822, enr 854 (Chapter 174)
- HB 519**, relative to the ballot law commission.  
rcmt 46, K 205
- HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures.  
**new title:** establishing discretionary preservation easements for preserving historic agricultural structures, and changing the disposition of unused interest from the land conservation investment program.  
conc S am 749, enr 825 (Chapter 86)

- HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals.  
**new title:** relative to filing fees and legislative approval of certain settlements by the attorney general.  
 conc S am 822, enr am 851, enr 854 (Chapter 200)
- HB 524**, relative to unfair insurance trade practices.  
 study 11
- HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund.  
 study 44
- HB 544-FN**, relative to reporting by candidates of independent expenditures.  
 K 18
- HB 549-FN-L**, relative to procedures of the department of revenue administration concerning the reassessment of property.  
 K 29
- HB 550-FN**, relative to destruction of information,  
 conc S am 823, enr 854 (Chapter 175)
- HB 553-FN-L**, requiring background checks for nursing home employees.  
 S nonconc 181
- HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.  
 S nonconc 695
- HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety.  
**new title:** relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation.  
**2<sup>nd</sup> new title:** relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation, and allowing the commissioner of the department of cultural resources to accept donations for purposes stipulated by the donor.  
 am & Finance 127-128, am 445, psd 535, conc S am 824, enr am 851-852, enr 858 (Chapter 266)
- HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players.  
**new title:** relative to victims' assistance programs and the victims' assistance fund.  
 am & Ways & Means 11-12, rules suspended 225, am & Finance 287-288, am 445-446, psd 535, conc S am 820, enr am 852, enr 854 (Chapter 176)
- HB 558-FN-A-L**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.  
 K 42
- HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.  
 am 43-44, psd 88, nonconc S am, conf 809, 825, rep adop 843, enr am 858, enr 865 (Chapter 227)
- HB 560-FN-A**, establishing a contributory judicial retirement plan.  
**new title:** establishing a committee to study the retirement plan for the judiciary.  
 SO 106, am 145-158, psd 180, conc S am 822, enr 842, appointments 910 (Chapter 177)
- HB 565-FN**, relative to liability for providing alcoholic beverages to minors.  
 K 12

- HB 566**, establishing terms for the offices of administrative judges of the courts.  
study 24
- HB 567-FN-L**, granting female inmates access to certain rehabilitation related programs.  
**new title:** extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.  
am 12-18, psd 88, S conc 645, enr 648, report date extended 907 (Chapter 29)
- HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.  
rcmt 46, am 366-367, psd 422, S conc 794, enr am 827, enr 843(Chapter 131)
- HB 582**, establishing a judicial nominating commission.  
K 24
- HB 586**, excluding stepchildren from the definition of “child” in the context of support orders.  
am 6, psd 88, S LT , Clerk’s note 906
- HB 587-FN-A**, establishing a commission on the status of men.  
conc S am 822, enr am 855, enr 858 (Chapter 267)
- HB 589**, relative to eligibility for unemployment benefits for part-time workers.  
am & rcmt (RC) 114-118, am(RC) 227-232, psd 250, nonconc S am, conf 813, 830, (no report filed) Clerk’s note 906
- HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund.  
**new title:** relative to a milfoil and other exotic aquatic plants prevention program.  
rem 4, Finance (2 RCs) 81-88, am 403-406, psd 423, S conc 826, enr 854 (Chapter 201)
- HB 599-FN**, relative to unlawful possession of alcohol by a minor.  
K 6
- HB 601-FN-A-L**, relative to a municipality’s liability for failure to remit state taxes collected by the municipality to the state.  
rem 4, K 76
- HB 607-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school.  
K 29
- HB 608-FN**, establishing a judicial ethics advisory committee.  
K 24
- HB 617**, relative to zoning for hobby vehicles.  
**new title:** relative to additional exceptions to junk yard regulation.  
am 29-30, psd 88, nonconc S am, conf 818, 830, 835, rep adop 843, enr am 864, enr 865 (Chapter 228)
- HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet.  
study 11
- HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court.  
S conc 181, enr 552, veto sustained (RC) 877-880
- HB 627-FN**, establishing a market-based water pollutant trading program.  
K 30
- HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor.  
K 34

- HB 631**, relative to access to public school programs by nonpublic or home educated pupils.  
conc S am 821, enr 854 (Chapter 202)
- HB 634**, relative to public/private partnership projects in the department of transportation.  
K 34
- HB 644-FN-A-L**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines.  
K 42
- HB 650-FN**, relative to master plans.  
am 30-33, psd 88, conc S am 822, enr 854 (Chapter 178)
- HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities.  
rem 4, rcmt 67, study 396
- HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs.  
rem 4, rcmt 67, K 218
- HB 656-FN-L**, relative to the formula for distributing school building aid grants.  
study 106
- HB 658-FN-A**, relative to the homeless prevention fund.  
S nonconc 596
- HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases.  
**new title:** relative to the burden of proof in juvenile abuse and neglect cases.  
rem 4, rcmt 63-64, am 203-204, psd 249, conc S am 808, enr 854 (Chapter 179)
- HB 661**, relative to hearing timelines in abuse and neglect cases.  
am 6-7, psd 88, conc S am 808, enr 854 (Chapter 180)
- HB 668**, prohibiting the use of genetic testing for certain insurance purposes.  
**new title:** relative to genetic testing.  
am 91-92, psd 128, S nonconc 695
- HB 669**, requiring certain safety devices on freight locomotives.  
S nonconc 181
- HB 672**, relative to coverage for mental and nervous conditions.  
**new title:** relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.  
am (RC) & Finance 92-98, am (RC) 569-573, psd 595, conc S am (RC) 809-811, enr am 855, enr 858 (Chapter 204)
- HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency.  
**new title:** relative to net asset qualification for the elderly property tax exemption for married persons.  
rem 4, rcmt 76-77, am 189-190 psd 199, nonconc S am, conf 818, 830, rep adop(unable to agree) 843
- HB 675**, relative to mercury source reduction.  
rcmt 46-51, am & study (RC) 219-225
- HB 678**, relative to notice of release of an inmate from state prison.  
conc S am 820, enr am 852, enr 854 (Chapter 181)



- HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12.  
S LT Clerk's note 906
- HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities.  
**new title:** relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.  
am 35-36, psd 88, S conc 353, enr 552 (Chapter 12)
- HB 686**, relative to the scope of discovery in abuse and neglect cases.  
am 7, psd 88, S LT Clerk's note 906
- HB 689**, establishing a committee to study the effectiveness and fairness of county government.  
rem 4, K (RC) 78-80
- HB 690**, relative to disclosure of nonpublic personal health information.  
S nonconc 203
- HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor.  
K 22
- HB 695**, relative to net energy metering.  
K 62-63
- HB 701**, relative to municipal regulation of renewable energy systems.  
**new title:** relative to municipal limitation of renewable energy systems.  
am 33, psd 88, S conc 694, enr am 795-796, enr 834 (Chapter 73)
- HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.  
**new title:** relative to mediation in superior court cases involving children.  
**new title:** relative to mediation in superior court cases involving children and relative to certified shorthand reporters.  
am 8-9, psd 88, conc S am 808, enr 854 (Chapter 182)
- HB 710-FN**, relative to liquor licenses and fees.  
am & Ways & Means 44-45, study 375
- HB 712-FN**, relative to the coordination of state, regional, and local planning efforts.  
nonconc S am, conf 696, 812, rep adop 844, enr am 859, enr 865 (Chapter 229)
- HB 713-FN**, addressing public health issues relative to indoor smoking.  
K (RC) 98-102
- HB 718-FN**, establishing minimum renewable standards for energy portfolios.  
**new title:** relative to renewable-energy-source electricity generation and transition service.  
am 36-39, psd 88, conc S am 824, enr am 852, enr 858 (Chapter 268)
- HB 722**, relative to town, village district, and school district elections.  
S LT Clerk's note 906
- HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.  
K 105
- HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim.  
K 13

- HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location.  
am & LT 56-57, 906
- HB 744-FN-A**, establishing a family and disability leave program.  
**new title:** establishing a committee to study the feasibility of a state pilot program for family and disability leave.  
am 25-26, psd 88, S nonconc 695
- HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.  
S LT Clerk's note 906
- HB 750-L**, relative to the development and adoption of the school administrative unit budget.  
study 102
- HB 755**, relative to groundwater contamination and gasoline sampling.  
K 63
- HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.  
K 185
- HB 757**, establishing an early literacy and reading improvement initiative.  
**new title:** establishing an early literacy and reading improvement program and making an appropriation therefor.  
rem 4, am 2 RCs) 68-76, psd 88, nonconc S am, conf 813, 830, (no report filed) Clerk's note 906
- HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund.  
K (RC) 165-168
- HB 765-FN-A**, establishing an historic homeownership mortgage credit program.  
study 45-46
- HB 768-FN**, relative to DNA testing of criminal offenders.  
am & Finance 13-17, am 275-276, psd 350, conc S am 820, enr am 852, enr 854 (Chapter 183)

### (CLERK'S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House bills 1101 through 1402 were introduced in 2001 and House action on supplemental legislation was held over to the 2002 legislative session.

## 2002 SESSION

### SUPPLEMENTAL HOUSE BILLS INTRODUCED IN 2001

- HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. (Rep. Chandler, Carr 1; et al: Resources, Recreation and Development)  
intro 129, am & Finance 234-239, am (RC) 308-311, psd 350, conc S am 824, enr 854, committee amended 907 (Chapter 148)
- HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. (Rowe, Hills 14; et al: Judiciary)

**new title:** relative to the judicial conduct commission and making an appropriation therefor. intro 130, rules suspended 199, 355, am (RC), Finance, & protest 406-410, am (RC) 615-618, psd(RC) 642, (S study)

**HB 1101**, relative to the payment date for county taxes. (Jones, Sull 3; et al: Municipal and County Government)  
K 370

**HB 1102**, establishing a committee to study a hazardous waste coordinator certification program. (P. Allen, Ches 7; et al: Environment and Agriculture)

**new title:** establishing a hazardous waste coordinator certificate program and making an appropriation therefor.  
rules suspended 355, am & Finance 396-398, am 619-620, psd 642, S conc 794, enr 825 (Chapter 87)

**HB 1103**, establishing a committee to study the budget process. (Thulander, Hills 6; et al: Legislative Administration)  
K 449

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack. (DeChane, Straf 6; et al: Public Works and Highways)  
psd 208, 249, S conc 694, enr 750 (Chapter 52)

**HB 1105**, relative to the appointment of non-certified employees within a school administrative unit. (Sova, Graf 11: Education)  
K 440

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Whalley, Merr 5; et al: Legislative Administration)  
**new title:** repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, and the New Hampshire industrial heritage commission; establishing a reporting requirement for the environmental research advisory committee; and creating a radon study committee  
psd 206, 249, nonconc S am, conf 750, 812, rep adop 844, enr 865, committees repealed 908, appointments 910 (Chapter 251)

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. (Dowling, Rock 13: Children and Family Law)  
psd 256, 350, S conc 695, enr am 796, enr 825, appointments 910 (Chapter 88)

**HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
**new title:** relative to administrative license suspension hearings.  
am 362, psd 422, nonconc S am 820

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance. (W. Johnson, Belk 4; et al: Municipal and County Government)  
am 282-283, psd 350, conc S am 749, enr am 827, enr 842, appointments 910 (Chapter 184)

**HB 1110**, relative to the sale of ferrets. (Phinizy, Sull 7: Environment and Agriculture)  
psd 186, 199, S conc 425, enr 552 (Chapter 13)

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders. (Phinizy, Sull 7: Resources, Recreation and Development)  
am 457, psd 536, conc S am 824, enr 842, appointments 910 (Chapter 185)

**HB 1112**, relative to the notice period for hearings on excavation permits. (Sloan, Rock 12: Municipal and County Government)  
psd 283, 350, S conc 794, enr 825 (Chapter 89)

- HB 1113**, relative to boating on Sandogardy Pond in the town of Northfield. (Lockwood, Merr 9: Resources, Recreation and Development)  
K 209
- HB 1114**, establishing a committee to study the state's real estate leasing practices and requirements. (Emerton, Hills 7: Commerce)  
K 256
- HB 1115**, relative to the procedure for assignment of juvenile probation and parole officers. (Lyman, Carr 5: Children and Family Law)  
study 256
- HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. (Power, Rock 13; et al: Public Works and Highways)  
rem 203, SO 248, K 337
- HB 1117**, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. (Dowling, Rock 13: Judiciary)  
K 280
- HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs. (Reid, Straf 12: Executive Departments and Administration)  
psd 263, 350, S conc 794, enr 825 (Chapter 115)
- HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services. (Patten, Carr 9: Environment and Agriculture)  
psd 398, 423, S conc 794, enr am 831, enr 842 (Chapter 186)
- HB 1120**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Patten, Carr 9; et al: Resources, Recreation and Development)  
psd 209, 249, S conc 645, enr 646 (Chapter 21)
- HB 1121**, relative to planning board recommended programs of capital improvements. (Patten, Carr 9; et al: Municipal and County Government)  
**new title:** relative to capital improvement committees.  
am 450-451, psd 536, conc S am 749, enr 825 (Chapter 90)
- HB 1122**, establishing a committee to study statistical patterns of DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)  
K 185
- HB 1123**, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services. (Sova, Graf 11: Executive Departments and Administration)  
K 441
- HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program. (C. Bouchard, Merr 22; et al: Finance)  
K 276
- HB 1125**, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities. (Czech, Belk 5; et al: Commerce)  
K 356
- HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program. (Melcher, Hills 11; et al: Environment and Agriculture)  
am & Ways & Means 226, K 460-461
- HB 1127**, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death. (Brundige, Hills 18; et al: Judiciary)  
K 280

- HB 1128-FN**, relative to the retirement system classification for the director of field services, department of corrections. (C. Bouchard, Merr 22: Executive Departments and Administration)  
K 263
- HB 1129**, relative to discriminatory practices by owners of public accommodations. (Bruno, Hills 4: Judiciary)  
SO 217, 248, K 323
- HB 1130**, increasing the rate of workers' compensation. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
K 195
- HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (S. Harris, Sull 9; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study increasing the number of physicians who are New Hampshire residents and making a technical change.  
psd 187, 199, conc S am 597, enr am 647, enr 651, appointments 911 (Chapter 37)
- HB 1132**, relative to grip height on motorcycles. (Packard, Rock 29; et al: Transportation)  
am 191-192, psd 199, S conc 646, enr 648 (Chapter 30)
- HB 1133**, relative to intrastate fresh pursuit. (Reid, Straf 12: Criminal Justice and Public Safety)  
psd 257, 350, S conc 695, enr 776 (Chapter 53)
- HB 1134**, relative to lighting requirements for motor vehicles and trailers. (Reid, Straf 12: Transportation)  
**new title:** relative to lighting requirements for motor vehicles and trailers and establishing a grants coordinator in the department of safety.  
am 459-460, psd 536, nonconc S am, conf 819, 830, rep adop 844, enr 865 (Chapter 252)
- HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the practice of dentistry and dental hygiene.  
psd 194, 199, conc S am 749, enr 825 (Chapter 91)
- HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day. (Chalbeck, Rock 8; et al: Health, Human Services and Elderly Affairs)  
psd 194, 199, S conc 596, enr 645 (Chapter 16)
- HB 1137**, relative to the crime of resisting arrest. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
psd 362-363, nonconc S am 820
- HB 1138**, requiring the attorney general to initiate a declaratory judgement action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock. 12; et al: Municipal and County Government)  
K 283
- HB 1139**, allowing the governor to enter into reciprocal international child support agreements. (Dowling, Rock 13: Children and Family Law)  
**new title:** relative to international reciprocal child support agreements.  
rem 203, SO 248 psd 288, 350, conc S am 809, enr 854 (Chapter 187)
- HB 1140**, providing for the nomination and appointment of a "state treasure." (Dickinson, Carr 2: Executive Departments and Administration)  
K 368
- HB 1141**, relative to the adoption of innovative land use zoning. (McKim, Ches 3: Municipal and County Government)  
K 370-371

- HB 1142**, relative to the advisory council on unemployment compensation. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)  
am 188, psd 199, S conc 826, enr 843, committee amended 908 (Chapter 122)
- HB 1143**, establishing a committee to study self-certification of hazardous waste small quantity generators. (Melcher, Hills 11: Environment and Agriculture)  
K 186
- HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters. (Buckley, Hills 44: Election Law)  
study 366
- HB 1145-FN-A**, requiring metal detectors in the state house and legislative office building and making an appropriation therefor. (Giordano, Rock 26; et al: Legislative Administration)  
K 206
- HB 1146**, relative to candidate qualifications for school district office. (Packard, Rock 29: Education)  
K 258
- HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
am 363, psd 422, conc S am 820, enr am 855, enr 858 (Chapter 269)
- HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex. (Mirski, Graf 12; et al: Public Works and Highways)  
**new title:** naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway.  
am 284-285, psd 350, conc S am 749, enr 825 (Chapter 116)
- HB 1149**, establishing a committee to study the efficiency of the long-term care facility survey process. (Micklon, Rock 26; et al: Health, Human Services and Elderly Affairs)  
K 194
- HB 1150**, relative to insurance compliance self-audits. (L. Fraser, Merr 9: Commerce)  
K 464
- HB 1151**, establishing a commission to examine the status of public school curriculum requirements in civic education. (Chandler, Carr 1; et al: Education)  
**new title:** establishing a commission to examine and assess the status of civic education in New Hampshire.  
am 289-290, psd 350, conc S am 821 enr 854, appointments 911 (Chapter 188)
- HB 1152**, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police. (Giuda, Graf 3; et al: Municipal and County Government)  
K 334
- HB 1153**, relative to the jurisdiction of the board of manufactured housing. (Wheeler, Hills 7; et al: Commerce)  
**new title:** establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.  
am 356-357, psd 422, S conc 695, enr am 796, enr 825, committee amended 907, appointments 911 (Chapter 92)
- HB 1154**, relative to appeals of historic district commissions. (Drisko, Hills 22: Municipal and County Government)  
K 971
- HB 1155**, relative to the unauthorized use of firearms in towns and cities. (Giuda, Graf 3; et al: Municipal and County Government)  
K 206-207

- HB 1156**, relative to the issuance of building permits on private roads. (Patten, Carr 9; et al: Municipal and County Government)  
**new title:** relative to the issuance of building permits on private roads, relative to the building code for modular housing, and relative to the membership of the state building code review board.  
 am 371, psd 422, conc S am 823, enr am 855, enr 858 (Chapter 270)
- HB 1157**, providing for the local option to apply the current use laws. (Sova, Graf 11: Municipal and County Government)  
 K 306
- HB 1158**, relative to the definition of “party.” (Brewster, Merr 1: Election Law)  
 K 396
- HB 1159**, prohibiting mail-order pharmacies from substituting generic drugs without written authorization. (Taylor, Straf 11: Commerce)  
**new title:** relative to substituting generic drugs for legend and non-legend drugs.  
 am 464-465, psd 536, S conc 826, enr 873 (Chapter 123)
- HB 1160-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville. (P. Allen, Ches 7: Resources, Recreation and Development)  
 K 209
- HB 1161**, relative to youth employment. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
 K 188
- HB 1162**, relative to unsolicited electronic mail. (Avery, Ches 8; et al: Commerce)  
 K 357
- HB 1163**, relative to child passenger restraints. (R. L’Heureux, Hills 18; et al: Transportation)  
 study 374
- HB 1164**, renaming the Sugden House in Odiorne State Park in the town of Rye as the Clark House. (Varrell, Rock 9: Public Works and Highways)  
**new title:** renaming Hill’s Bridge in the town of Lee as the Captain Rueben Hill Bridge.  
**2<sup>nd</sup> new title:** renaming Hill’s Bridge in the town of Lee as the Captain Reuben Hill Bridge and naming the bridge over the Connecticut River between Woodsville, New Hampshire and Wells River, Vermont the New Hampshire/Vermont Veterans Memorial Bridge.  
 am 208, psd 249, conc S am 749, enr 825 (Chapter 93)
- HB 1165**, establishing a committee to study issues arising from State v. Laurie. (Hopper, Hills 5: Judiciary)  
 rem 356, K & protests 419-420
- HB 1166**, relative to sign restrictions regarding alcoholic beverages. (Avery, Ches 8: Commerce)  
**new title:** relative to alcoholic product advertising.  
 am 357-358, psd 422, S conc 695, enr 776 (Chapter 54)
- HB 1167**, relative to wine tasting. (Avery, Ches 8: Commerce)  
**new title:** permitting wine manufacturers to sell their products at farmers’ markets.  
**2<sup>nd</sup> new title:** permitting wine manufacturers to sell their products at farmers’ markets and relative to liquor and wine representative licenses.  
 am 358, psd 422, conc S am 776, enr 825 (Chapter 94)
- HB 1168**, relative to ambulatory surgical facilities owned in whole or in part by a hospital. (Martel, Hills 45; et al: Health, Human Services & Elderly Affairs)  
 K 187

- HB 1169**, relative to the termination of safe deposit box leases. (Taylor, Straf 11; et al: Commerce)  
K 256
- HB 1170**, extending the environmental audit program. (Melcher, Hills 11: Environment and Agriculture)  
psd 192, 199, S conc 695, enr am827, enr 843 (Chapter 124)
- HB 1171**, establishing a committee to study the state's role in supporting organic agriculture. (Rabideau, Rock 16: Environment and Agriculture)  
**new title:** relative to organic food production.  
am 367, psd 422, S conc 646, enr am 647, enr 651 (Chapter 38)
- HB 1172**, relative to the adoption of rules for certain wetland permits. (Royce, Ches 9: Resources, Recreation and Development)  
am 458, psd 536, nonconc S am, conf 819, 830, (no report filed) Clerk's note 906
- HB 1173**, relative to the identification and notification of putative fathers. (Arnold, Hills 20: Children and Family Law)  
SO 217, 248, K 288
- HB 1174-FN-L**, requiring the provision of educational opportunities to expelled pupils. (Rodd, Merr 3: Education)  
K 290
- HB 1175**, relative to proclaiming oneself a New Hampshire native. (L. Jean, Hills 17; et al: Judiciary)  
am 280-281, psd 350, conc S am 823, enr 854 (Chapter 189)
- HB 1176**, limiting the hours available for telephone solicitation. (Pantelakos, Rock 30: Commerce)  
K 358
- HB 1177**, enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes. (L. Christiansen, Hills 23: Children and Family Law)  
K 204
- HB 1178-FN**, relative to the recreational taking of lobster by scuba diving. (Harrington, Straf 4; et al: Resources, Recreation and Development)  
K (RC) 315-318
- HB 1179**, establishing a task force to investigate the feasibility of utilizing the Concord to Lincoln rail corridor for passenger service. (G. Katsakiores, Rock 13; et al: Transportation)  
K 345
- HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. (G. Katsakiores, Rock 13; et al: Transportation)  
**new title:** establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire and relative to exemption from local property taxes for leases of state-owned railroad properties.  
am 374-375, psd 422, conc S am 776, enr am 852-853, enr 854, appointments 911-912 (Chapter 190)
- HB 1181**, requiring registration of political parties. (J. Bradley, Carr 8: Election Law)  
K 356
- HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system. (Dalrymple, Rock 26; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.  
am 280, psd 350, S conc 695, enr 750, appointments 912 (Chapter 55)



- HB 1183**, establishing a committee to study the conformity of administrative rules to statutory authority. (L. Christiansen, Hills 23: Executive Departments and Administration)  
study 39
- HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice. (Wallner, Merr 24; et al: Commerce)  
psd 256, 350, S conc 695, enr 776 (Chapter 56)
- HB 1185-FN**, relative to the possession of deadly weapons in a safe school zone. (Artz, Hills 34; et al: Criminal Justice and Public Safety)  
K 363
- HB 1186-FN**, relative to penalties for flag desecration. (Thompson, Hills 47; et al: Criminal Justice and Public Safety)  
K 363-364
- HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. (W. Johnson, Belk 4; et al: Criminal Justice and Public Safety)  
rem 356, am(RC) 414-417, psd 423, nonconc S am 820
- HB 1188**, prohibiting discrimination because of political belief. (Brewster, Merr 1: Judiciary)  
K 206
- HB 1189**, relative to the plea of guilty but insane. (Marshall Quandt, Rock 20; et al: Criminal Justice and Public Safety)  
study 257
- HB 1190**, relative to local school management of teacher hiring and retention. (Alger, Graf 9; et al: Education)  
**new title:** relative to a one-year certificate of eligibility to teach.  
am 467, psd 536, S conc 795, enr 825 (Chapter 117)
- HB 1191**, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education. (Alger, Graf 9; et al: Education)  
K 393-394
- HB 1192**, relative to the use of enrollment by residence data in the calculation of adequate education grants. (Alger, Graf 9; et al: Finance)  
K 276
- HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards. (Alger, Graf 9; et al: Municipal and County Government)  
am 451, psd 536, nonconc S am, conf 818, S rej conf req 829
- HB 1194**, relative to medical records. (Taylor, Straf 11: Health, Human Services & Elderly Affairs)  
am 485-487, psd 536, nonconc S am, conf 813, 830, (no report filed) Clerk's note 906
- HB 1195**, relative to the comprehensive shoreland protection act. (Palermo, Rock 21: Resources, Recreation and Development)  
K 272-273
- HB 1196**, enabling municipalities to adopt a property tax exemption for deaf persons. (Burnham, Ches 8: Municipal and County Government)  
**new title:** enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.  
am 334-336, psd 351, nonconc S am, conf 818, 830, (no report filed) Clerk's note 906
- HB 1197-FN**, relative to providing notice of invasive species to New Hampshire citizens. (Bruno, Hills 4: Environment and Agriculture)  
K 192

- HB 1198**, relative to the minimum hourly rate for certain employees. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)  
study 206
- HB 1199-FN**, providing for the certification of septage haulers. (Philbrick, Carr 4; et al: Environment and Agriculture)  
K 398
- HB 1200**, not introduced
- HB 1201**, relative to charitable trust customer data. (Taylor, Straf 11; et al: Commerce)  
am 428-429, psd 535, S conc 695, enr 776 (Chapter 57)
- HB 1202-FN**, reducing fees for municipal permits for registration of certain hybrid vehicles. (Corbin, Rock 9: Municipal and County Government)  
rem 256, K 348
- HB 1203**, relative to retroactive health insurance denials. (Francoeur, Rock 22; et al: Commerce)  
am 429-431, psd 535, conc S am 776, enr am 827, enr 843 (Chapter 143 )
- HB 1204**, relative to administrative rulemaking of the sweepstakes commission. (Lovett, Graf 6: Executive Departments and Administration)  
K 398
- HB 1205**, relative to the availability of motor vehicle records for the distribution of seat belt safety materials. (C. Bouchard, Merr 22: Transportation)  
K 287
- HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II member in the performance of duty. (Baroody, Hills 42; et al: Executive Departments and Administration)  
**new title:** increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent fireman member in the performance of duty.  
am & Finance 226, study 446
- HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems. (Holland, Rock 26: Executive Departments and Administration)  
am 263-264, psd 350, S nonconc 826
- HB 1208**, relative to real estate broker liens. (Pappas, Hills 48: Commerce)  
am 431-435, psd 535, S conc 826, enr 843 (Chapter 144 )
- HB 1209**, relative to a civil rights act for health care providers. (Souza, Hills 40; et al: Health and Human Services & Elderly Affairs)  
SO 227, K (RC) 318-321
- HB 1210**, relative to training to be a licensed esthetician. (Pantelakos, Rock 30; et al: Executive Departments and Administration)  
**new title:** relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.  
**2<sup>nd</sup> new title:** relative to training to be an esthetician and an advanced esthetician.  
**3<sup>rd</sup> new title:** relative to barbering, cosmetology, and esthetics.  
am 398-399, psd 432, nonconc S am, conf 776, 812, 835, S req new conf, Clerk's note, rules suspended, new conf 849, rules suspended & rep adop 854, enr am 859, enr 865 (Chapter 230)
- HB 1211**, prohibiting insurers from discriminating against a person on the basis of the person holding elective office. (Lynde, Hills 24: Commerce)  
K 257
- HB 1212**, relative to certain disclosures in real estate sales. (L. Christiansen, Hills 23: Commerce)  
K 185

- HB 1213**, relative to personal school records of pupils. (Micklon, Rock 26; et al: Education)  
K 258
- HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste. (Lynde, Hills 24; et al: Environment and Agriculture)  
study 306
- HB 1215**, relative to county delegations. (Jacobson, Merr 2: Municipal and County Government)  
am 371-372, psd 422, S conc 695, enr 776 (Chapter 58)
- HB 1216**, erecting a historic sign in Berlin honoring its original settlers. (Dyer, Hills 8; et al: Public Works and Highways)  
K 208
- HB 1217**, relative to payment of trust income. (Hunt, Ches 10: Commerce)  
psd 257, 350, conc S am 809, enr 854 (Chapter 191)
- HB 1218**, relative to the regulation of pharmacists and prescription drug orders. (Millham, Belk 4: Executive Departments and Administration)  
**new title:** relative to the regulation of pharmacists and prescription drug orders, relative to the use of non-original containers to organize prescription and nonprescription drugs, and relative to the management of certain plan benefits under Medicaid by the department of health and human services.  
psd 441, 535, conc S am 822, enr 858, appointments 912 (Chapter 281)
- HB 1219**, establishing a committee to study ways to implement the principles of state health care reform. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
K 280
- HB 1220**, relative to assisted living residences and housing for older persons. (Kurk, Hills 5; Sargent, Hills 3; Batula, Hills 18: Commerce)  
am 358-359, psd 422, conc S am 776, enr 842 (Chapter 192)
- HB 1221**, relative to coordinating certain town and school district meetings. (Ward, Graf 1: Municipal and County Government)  
psd 283, 350, S LT, Clerk's note 906
- HB 1222**, exempting ice-out contests from the laws regulating games of chance. (Ward, Graf 1: Criminal Justice and Public Safety)  
psd 185, 199, S conc 596, enr 645 (Chapter 17)
- HB 1223**, establishing a committee to study the model insurance rating laws. (Nowe, Rock 3: Commerce)  
psd 257, 350, S conc 596 enr 641, appointments 912 (Chapter 31)
- HB 1224**, adopting the nurse licensure compact. (Buckley, Hills 44; et al: Executive Departments and Administration)  
K 368
- HB 1225**, relative to disclosure of referral restrictions. (Bruno, Hills 4: Commerce)  
psd 435-436, 535, S conc 695, enr 776 (Chapter 59)
- HB 1226-L**, allowing discretionary easements to include barns used for farming. (Bruno, Hills 4: Municipal and County Government)  
K 207
- HB 1227**, relative to the appraisal of affordable housing developments. (Potter, Merr 24: Municipal and County Government)  
K 283
- HB 1228**, relative to union dues. (Palermo, Rock 21; et al: Labor, Industrial and Rehabilitative Services)  
study 206

- HB 1229-FN-A-L**, relative to funding of special education. (Giuda, Graf 3; et al: Education)  
K 258
- HB 1230-FN**, establishing the office of the special education advocate. (Sova, Graf 11: Education)  
**new title:** authorizing the commissioner of the department of education to expend funds for special education advocacy.  
am & Finance 218, am 446-447, psd 535, S nonconc 795
- HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state. (Leber, Merr 1; et al: Education)  
**new title:** implementing a pre-engineering technology curriculum in the public high schools in the state and relative to the naming of the regional community-technical college system.  
rules suspended 255, am & Finance 290-291, am 475, psd 536, conc S am 821, enr am 855, enr 858, appointments 917 (Chapter 271)
- HB 1232-FN-L**, relative to the confidentiality of library user records. (McRae, Hills 7; et al: Children and Family Law)  
K 217-218
- HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor. (Sullivan, Carr 2; et al: Education)  
rules suspended 256, Finance 291, K (RC) 475-478
- HB 1234-FN**, relative to an education property tax cap for retired residents. (Giuda, Graf 3; Rozek, Coos 7: Ways and Means)  
study 461
- HB 1235**, relative to operation of motorized vessels and safe boater education. (C. Christensen, Hills 18; et al Resources, Recreation and Development)  
**new title:** relative to operation of motorized vessels and safe boater education and relative to fill and dredge in wetlands.  
am & Ways & Means 190-191, am 461-462, psd 536, nonconc S am, conf 819, 830, rep adop (2 RCs) 844-848, enr am 859, enr 865 (Chapter 272)
- HB 1236-FN**, abolishing the marital master program. (Elliott, Hills 2: Judiciary)  
**new title:** establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution.  
am (RC) 323-327, psd 350, conc S am 823, enr 842, appointments 912 (Chapter 193)
- HB 1237**, relative to a conflict of interest policy for persons having a substantial interest in grants awarded by or contracts with a state agency. (Gorman, Hills 29; et al: Executive Departments and Administration)  
K 264
- HB 1238**, requiring seating accommodations in retail establishments. (Furman, Hills 34; et al: Commerce)  
K 257
- HB 1239-FN-A**, relative to off-track wagering by certain establishments. (Corbin, Rock 9: Ways and Means)  
K 214
- HB 1240**, establishing a property tax limitation and credit for elderly persons and increasing the amount of the homestead right for elderly persons. (Emerson, Ches 13; et al: Municipal and County Government)  
K 207
- HB 1241-FN**, relative to salaries for the wardens of department of corrections facilities. (Knowles, Straf 11: Executive Departments and Administration)  
K 186

- HB 1242**, relative to the required vote for approving school district bond articles. (Micklon, Rock 26; Holland, Rock 26: Municipal and County Government)  
**new title:** relative to the required vote for board articles.  
am & K (RC) 573-577
- HB 1243**, relative to safety devices required for transporting logs, lumber, or timber. (Leber, Merr 1; Scanlan, Graf 11; Burns, Dist 1: Transportation)  
K 287
- HB 1244**, establishing a committee to study the curriculum content of an adequate education. (Sova, Graf 11; Scanlan, Graf 11: Education)  
K 467-468
- HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number. (Lyman, Carr 5: Fish and Game)  
rem 203, SO 248, K 318
- HB 1246**, relative to the chairperson of the board of recount in school district recounts. (Emerton, Hills 7; et al: Election Law)  
psd 205, 249, S conc 795, enr 825 (Chapter 95)
- HB 1247**, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes. (Gilman, Graf 1; et al: Resources, Recreation and Development)  
**new title:** establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.  
am 373, psd 422, S conc 695, enr 750, appointments 912 (Chapter 60)
- HB 1248-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. (Gilman, Graf 1: Executive Departments and Administration)  
K 186
- HB 1249**, adopting the model Drug Dealer Liability Act. (Clegg, Hills 23; et al: Judiciary)  
am (RC) 327-330, psd 351, nonconc S am 823
- HB 1251**, relative to the use of mercury amalgam fillings by dentists. (Lynde, Hills 24; et al: Health, Human Services and Elderly Affairs)  
am 321-322, psd 350, conc S am 749, enr 825 (Chapter 96)
- HB 1252**, relative to the membership of the wetlands council. (Gabler, Graf 8; Odell, Sull 5; Camm, Rock 17; Phinizy, Sull 7: Resources, Recreation and Development)  
am 458-459, psd 536, conc S am 824, enr 857 (Chapter 210)
- HB 1253**, relative to possessory actions against tenants. (Potter, Merr 24; et al: Judiciary)  
K 281
- HB 1254**, relative to the budget preparation procedures of municipalities. (Sova, Graf 11; et al: Municipal and County Government)  
am 372, psd 422, S conc 695, enr 776 (Chapter 61)
- HB 1255-FN**, relative to an extended term license to carry a concealed firearm. (Kennedy, Merr 7: Criminal Justice and Public Safety)  
K 436
- HB 1256**, relative to Clark Pond Road in the town of Haverhill. (Teschner, Graf 5; et al: Public Works and Highways)  
am 208-209, psd 249, S conc & enr 646 (Chapter 25)
- HB 1257**, relative to oaths by public employees. (L. Christiansen, Hills 23: Judiciary)  
K 187

- HB 1258-FN**, relative to post-conviction DNA testing. (Lasky, Hills 33; et al: Criminal Justice and Public Safety)  
study 364
- HB 1259-FN-L**, relative to the base cost for calculating adequate education grants. (Hess, Merr 11; et al: Finance)  
am 573, psd 595, S study 826
- HB 1260-FN**, relative to certification and licensing of teachers and school administrators. (Sova, Graf 11: Education)  
am 468, psd 536, S nonconc 695
- HB 1261-FN**, relative to penalties for DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)  
K 185-186
- HB 1262-FN-A-L**, relative to implementing on-line exchange of voter registration information and making an appropriation therefor. (Sova, Graf 11: Election Law)  
K 205
- HB 1263-FN-A-L**, establishing the statewide cost of an adequate education at zero dollars and repealing the education property tax. (Vaillancourt, Hills 44: Ways and Means)  
K 239
- HB 1264-FN-L**, returning all municipal fines to the municipality. (Pepino, Hills 40: Finance)  
**new title:** relative to district courts and pleas by mail.  
**2<sup>nd</sup> new title:** relative to district courts and pleas by mail and establishing a committee to study the operation and efficiency of motor vehicle trials in district courts.  
am 276, psd 350, conc S am 822, enr 865, appointments 912 (Chapter 231)
- HB 1265-FN**, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. (Reid, Straf 12: Executive Departments and Administration)  
K 192
- HB 1266-FN**, relative to the appointment of a guardian of the estate of a minor. (K. Dionne, Hills 1: Children and Family Law)  
K 204
- HB 1267-FN-L**, relative to a ban on landfilling and incinerating aluminum cans. (Babson, Carr 5: Environment and Agriculture)  
K 468
- HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax. (Sapareto, Rock 13; et al: Ways and Means)  
am (2 RCs) 522-529, psd 537, conc S am 819, enr 857 (Chapter 211)
- HB 1269-FN**, requiring the department of health and human services to compile and maintain abortion statistics. (Itse, Rock 11: Health, Human Services and Elderly Affairs)  
K 194
- HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax. (Almy, Graf 14; et al: Ways and Means)  
**new title:** making technical corrections due to the repeal of the legacies and succession tax, relative to the exception from the meals and rooms tax for gratuities, and relative to appeals for redetermination or reconsideration of assessments or demands for payment made by the department of revenue administration.  
am 215-217, psd 250, nonconc S am, conf 819, 830, 835, rep adop 850, enr am 859, enr 865 (Chapter 232)
- HB 1271-FN**, relative to dental care insurance for state employees and retired state employees. (Emerton, Hills 7; et al: Executive Departments and Administration)  
K 265

- HB 1272-FN-A-L**, establishing a statewide special education funding pool. (Gilman, Graf 1: Finance)  
K 276
- HB 1273-FN**, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Alger, Graf 9; et al: Resources, Recreation and Development)  
am (2 RCs, rules suspended & Ways and Means 501-514, am (RC) 635-639, psd 642, nonconc S am, conf 819, 830, rep adop 850, enr am 859-860, enr 865 (Chapter 233)
- HB 1274**, relative to deputy town clerks. (Patten, Carr 9: Municipal and County Government)  
**new title:** relative to town clerks and deputy town clerks.  
am 451-452, psd 536, S conc 795, enr 826 (Chapter 97)
- HB 1275-FN-L**, relative to approval of budget calculations in the default budget of a municipality using the official ballot system. (Sova, Graf 11: Municipal and County Government)  
K 283
- HB 1276**, permitting pharmacists to dispense emergency contraception. (Gilmore, Straf 11; et al: Executive Departments and Administration)  
K 399-400
- HB 1277**, increasing the optional veterans' property tax credit. (Gilmore, Straf 11; Cobb, Graf 5: Municipal and County Government)  
psd 207, 249, nonconc S am, conf 749, 812, (no report filed) Clerk's note 906
- HB 1278**, establishing an abortion waiting period. (Thompson, Hills 47; et al: Judiciary)  
K 187
- HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions. (Dyer, Hills 8; et al: Legislative Administration)  
Finance 232, K 478
- HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; et al: Transportation)  
rem 185, K (RC) 196-198
- HB 1281**, establishing a commission to study public educational choice initiatives. (Alger, Graf 9; et al: Education)  
am 365-366, psd 466, conc S am 821, enr 854, appointments 912 (Chapter 203)
- HB 1282**, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire. (Vaillancourt, Hills 44; et al: Ways and Means)  
**new title:** establishing a committee to study gaming options for New Hampshire.  
am 345-346, psd 351, S nonconc 695
- HB 1283**, establishing a committee to study state and local regulation of helicopter landings. (Leach, Hills 9; et al: Transportation)  
K 192
- HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards. (Leach, Hills 9; et al: Municipal and County Government)  
psd 372, 422, S nonconc 795
- HB 1285**, relative to the applicability of the stalking statute to minors. (Leach, Hills 9; et al: Criminal Justice and Public Safety)  
am 364, psd 422, S conc 695, enr 776 (Chapter 62)
- HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. (Leach, Hills 9; et al: Criminal Justice and Public Safety)  
psd 364, 422, conc S am 750, enr 826 (Chapter 79)

- HB 1287**, establishing a committee to study the need for additional training of attorneys representing clients in domestic relations matters. (Power, Rock 13: Children and Family Law) K 204
- HB 1288**, relative to regular meetings of local planning boards. (Leach, Hills 9; et al: Municipal and County Government) psd 372, 422, S nonconc 795
- HB 1289**, relative to personal health and financial information privacy. (Kurk, Hills 5; Taylor, Straf 11: Commerce) K 436
- HB 1290**, relative to genetic information. (Kurk, Hills 5; et al: Commerce) K 359
- HB 1291**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Burnham, Ches 8; Manning, Ches 9; Millham, Belk 4; MacKay, Merr 24: Education) study 291
- HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings. (Burnham, Ches 8; et al: Judiciary) study 488
- HB 1293**, relative to the specificity of criminal complaints and warrants. (R. L'Heureux, Hills 18; et al: Criminal Justice and Public Safety) K 204-205
- HB 1294-FN-A**, reducing the tobacco tax. (Dickinson, Carr 2; et al: Ways and Means) study 239
- HB 1295**, establishing an environmental services review commission. (Bruno, Hills 4: Executive Departments and Administration) K 400
- HB 1296**, relative to ambient groundwater quality standards. (Bruno, Hills 4: Resources, Recreation and Development) K 411
- HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. (Bruno, Hills 4: Municipal and County Government) rem 185, SO 195, 248, K 336
- HB 1298**, relative to signage for the adopt-a-highway program. (Bruno, Hills 4: Public Works and Highways)  
**new title:** relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.  
**2<sup>nd</sup> new title:** naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.  
**3<sup>rd</sup> new title:** relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex  
 am 285-286, psd 350, nonconc S am, conf 818, 830, rep adop 850, enr am 855-856, enr 865 (Chapter 234)
- HB 1299-FN**, relative to premarital preparation courses. (Hopper, Hills 5; et al: Children and Family Law)  
**new title:** establishing a committee to study the creation of a marriage education and enhancement program.  
 am 427-428, psd , conc S am 808, enr am 856, enr 858, appointments 912 (Chapter 273)



**HB 1300**, not introduced

**HB 1301**, relative to grounds for divorce for persons with minor children. (Hopper, Hills 5; et al: Children and Family Law)  
study 463-464

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system. (Pepino, Hills 40; et al: Executive Departments and Administration)

**new title:** relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

rules suspended 256, am & Finance 306-308, psd 447, 535, S conc 826, enr 843(Chapter 140)

**HB 1303-FN**, prohibiting the wearing of certain facial coverings. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
rem 203, SO 248, K 289

**HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. (Harrington, Straf 4; et al: Executive Departments and Administration)  
rem 427, SO 535, K 593

**HB 1305-FN**, relative to the pollution prevention program. (O'Connell, Hills 13: Environment and Agriculture)  
rules suspended 355, Finance 398, am 601, psd 642, S conc 795, enr 834 (Chapter 74)

**HB 1306-FN-L**, increasing the county's portion of fees collected from the real estate transfer tax. (Cloutier, Sull 8; et al: Municipal and County Government)  
K 283-284

**HB 1307**, relative to the Dover-Somersworth-Durham district court. (Heon, Straf 14; et al: Judiciary)  
K 330

**HB 1308**, relative to checklist corrections on election day. (M. Cooney, Graf 7; et al: Election Law)  
am 441, psd 535, S conc 795, enr 826 (Chapter 98)

**HB 1309**, prohibiting arrests for violation-level offenses. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
K 186

**HB 1310**, relative to the city of Manchester's contributory retirement system. (Buckley, Hills 44; et al: Executive Departments and Administration)  
am 265-275, psd 350, S conc 695, enr am 831-832, enr 342 (Chapter 194)

**HB 1311**, relative to expunging certain mental health records. (L. Jean, Hills 17: Judiciary)  
**new title:** relative to certain mental health records and establishing a committee to study the protection of certain medical information.  
rem 356, am 420-421, psd 423, nonconc S am, conf 813, 830, rep adop 850, enr 865, appointments 912 (Chapter 235)

**HB 1312**, establishing a committee to study the needs of the Native American population in New Hampshire. (Power, Rock 13: State-Federal Relations and Veterans Affairs)  
K 209

**HB 1313**, relative to spreading sludge on excavation sites for reclamation. (Melcher, Hills 11; et al: Environment and Agriculture)  
study 468

**HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. (DiFruscia, Rock 27; et al: Legislative Administration)  
psd 449, 536, conc S 776, enr 826, Chapter 99)

- HB 1315**, relative to requiring revaluation of property. (DiFruscia, Rock 27; et al: Municipal and County Government)  
rem 185, K 196
- HB 1316**, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property. (Moran, Hills 15; et al: Judiciary)  
K 330
- HB 1317-FN-A-L**, targeting aid for education to certain school districts. (Hess, Merr 11; et al: Ways and Means)  
study 462-463
- HB 1318**, relative to the regulation of the use of pharmaceutical agents by licensed optometrists. (Micklon, Rock 26; et al: Executive Departments and Administration)  
**new title:** relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.  
am 468-472, psd 536, S conc 826, enr am 856, enr 858 (Chapter 274)
- HB 1319-FN-A-L**, establishing the New Hampshire electronic gaming commission, creating New Hampshire electronic gaming districts, and authorizing the licensing and use of electronic gaming machines and equipment. (Micklon, Rock 26; et al: Ways and Means)  
K 239
- HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. (J. Hutchinson, Merr 15; M. Fuller Clark, Rock 36; Gonzalez, Hills 48; MacKay, Merr 24: Municipal and County Government)  
am (RC) 494-497, psd 537, S nonconc 695
- HB 1321-L**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. (Elliott, Hills 2: Municipal and County Government)  
K 410
- HB 1322**, requiring a super majority vote for adoption of certain tax legislation. (Weyler, Rock 18; et al: Ways and Means)  
K 217
- HB 1323**, establishing a committee to study performance-based public salaries. (Weyler, Rock 18: Executive Departments and Administration)  
K 441
- HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices. (Weyler, Rock 18; et al: Finance)  
study 447
- HB 1325**, prohibiting payroll deductions by public employers for political activities and prohibiting coercive actions against public employees to obtain political contributions. (Weyler, Rock 18: Labor, Industrial and Rehabilitative Services)  
K 206
- HB 1326**, establishing a committee to study the veterinary/medical education loan program and the veterinary/medical/optometric loan program. (Weyler, Rock 18; et al: Education)  
K 291
- HB 1327**, establishing a committee to study the recodification of railroad statutes in New Hampshire. (G. Katsakiores, Rock 13; et al: Transportation)  
K 375
- HB 1328**, establishing a committee to define “instructional hour” and “instructional time” for the purposes of primary and secondary education. (Sullivan, Carr 2; et al: Education)  
**new title:** defining instructional time in public elementary and secondary schools.  
am 394, psd 423, S nonconc 826

- HB 1329-FN**, relative to fiscal notes. (Sullivan, Carr 2; et al: Legislative Administration)  
am 449, psd 536, S nonconc 695
- HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner. (Sullivan, Carr 2; et al: Finance)  
K (RC) 312-314
- HB 1331**, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees. (Sullivan, Carr 2; et al: Legislative Administration)  
study 493
- HB 1332-FN-A**, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. (Sullivan, Carr 2; et al: Commerce)  
K 192
- HB 1333**, establishing a committee to study the definition of an adequate education. (Sullivan, Carr 2; et al: Education)  
K 440
- HB 1334-FN**, relative to a certain highway project in Brookfield, New Hampshire. (J. Bradley, Carr 8; et al: Public Works and Highways)  
K 209
- HB 1335**, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. (L. Fraser, Merr 9: Labor, Industrial and Rehabilitative Services)  
K 195
- HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities. (Avery, Ches 8: Commerce)  
**new title:** permitting wine manufacturers to be issued restaurant licenses.  
am 359, psd 422, S conc 795, enr 826 (Chapter 100)
- HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
psd 205, 249, S conc & enr 646, appointments 913 (Chapter 22)
- HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses. (Mock, Carr 3: Judiciary)  
psd 281, 350, nonconc S am 823
- HB 1339**, relative to the offices of forest fire warden and deputy forest fire warden. (Shaw, Hills 45; et al: Municipal and County Government)  
K 284
- HB 1340**, establishing a committee to study the feasibility of computerizing and consolidating demographic information. (Lent, Straf 8; et al: Science, Technology and Energy)  
K 286
- HB 1341**, relative to permissible uses of education property tax revenues. (Henderson, Rock 20: Ways and Means)  
K 288
- HB 1342**, relative to preparation of fiscal notes. (Clegg, Hills 23; et al: Legislative Administration)  
psd 494, 537, S nonconc 695
- HB 1343**, relative to processing excavating and dredging permits. (Phinizy, Sull 7; et al: Resources, Recreation and Development)  
am, rules suspended & Ways and Means 515-516, psd 639, 642, S study 826

- HB 1344-L**, establishing a village plan alternative in zoning and land use planning laws. (Mirski, Graf 12: Municipal and County Government)  
**new title:** establishing a village plan alternative subdivision in zoning and land use planning laws. am 452-454, psd 536, nonconc S am, conf 818, 830, rep adop 850, enr am 860-861, enr 865 (Chapter 236)
- HB 1345**, relative to sex education instruction in public schools. (Palermo, Rock 21; et al: Education) K 394
- HB 1346**, relative to participation in certain health education programs. (Palermo, Rock 21; et al: Education)  
 am & K (2 RCs) 538-544
- HB 1347-FN**, authorizing the department of health and human services to intercept insurance payments if there is unpaid child support. (Emerton, Hills 7: Children and Family Law) study 204
- HB 1348**, clarifying the law regarding title-exempted vehicles. (Artz, Hills 34; et al: Transportation)  
**new title:** clarifying the law regarding title-exempted vehicles, permitting owners of antique motor vehicles to obtain certificates of title, and relative to farm tractor plates.  
**2<sup>nd</sup> new title:** clarifying the law regarding title-exempted vehicles, permitting owners of antique motor vehicles to obtain certificates of title, relative to farm tractor plates, and relative to registration fees for certain off highway recreational vehicles  
 am 212-213, psd 250, conc S am (2 RCs) 813-818, enr am 856, enr 865 (Chapter 253)
- HB 1349-FN-A**, establishing a New Hampshire power authority. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
**new title:** establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.  
 am 516-517, psd 537, conc S am 825, enr 857, appointments 913 (Chapter 212)
- HB 1351-FN**, granting group II retirement system status to certain positions in the department of corrections. (Dyer, Hills 8; et al: Executive Departments and Administration) K 472
- HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program. (Dyer, Hills 8: Municipal and County Government)  
 Exec Depts 207, psd 441-442, 535, S conc 795, enr am 827, enr 843 (Chapter 132 )
- HB 1353-FN-A-L**, relative to video lottery at the racetracks. (Dickinson, Carr 2; et al: Ways and Means) K (2 RCs) 239-245
- HB 1354-FN**, licensing body art practitioners. (Dickinson, Carr 2; et al: Executive Departments and Administration)  
 rem 256, am 347-348, psd 351, S conc 795, enr am 832, enr 842 (Chapter 195)
- HB 1355-FN-L**, relative to merging unincorporated places with abutting municipalities in Coos county. (Guay, Coos 6; et al: Municipal and County Government)  
 rem 256, K 348-349
- HB 1356-FN**, establishing the criminal offense of felony pursuit. (Stone, Rock 7; et al: Criminal Justice and Public Safety)  
 am 364-365 psd 422, conc S am 820, enr 857 (Chapter 213)
- HB 1357-FN**, relative to the form of drivers' licenses. (Dickinson, Carr 2: Transportation)  
 am(RC) 517-521, psd 537, conc S am 825, enr 857 (Chapter 214)
- HB 1358-FN-L**, relative to valuation of property for purposes of assessing the education property tax. (Cox, Rock 24; et al: Ways and Means) K 288

- HB 1359-FN**, establishing a department of financial services. (Elliott, Hills 2; et al: Executive Departments and Administration)  
study 442
- HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters. (Elliott, Hills 2; et al: Judiciary)  
**new title:** relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.  
am 488-490, psd 537, (S study)
- HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. (R. Letourneau, Rock 13; et al: Commerce)  
am 359-362, psd 422, conc S am 809, enr 857 (Chapter 215)
- HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education. (K. Hutchinson, Rock 29; et al: Ways and Means)  
K 217
- HB 1363-FN-L**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. (Cloutier, Sull 8; et al: Criminal Justice and Public Safety)  
Finance (2 RCs) 379-384, study 478
- HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process. (Almy, Graf 14; et al: Finance)  
am 276-279, psd 350, conc S am 822, enr am 864-865, enr 865 (Chapter 254)
- HB 1365-FN**, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community. (Odell, Sull 5; et al: Criminal Justice and Public Safety)  
**new title:** requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.  
am 465-466, psd 536, nonconc S am, conf 812, 830, rep adop 850, enr 865 (Chapter 255)
- HB 1366-FN**, establishing a state employee cost-saving award program. (McHugh, Hills 26; et al: Executive Departments and Administration)  
**new title:** establishing a state employee recognition and award program.  
am 442-443 psd 535, conc S am 822, enr am 856, enr 858 veto sustained (RC) 880-883
- HB 1367-FN**, relative to the childhood lead poisoning prevention program. (Millham, Belk 4; et al: Health, Human Services and Elderly Affairs)  
am 322-323, psd 350, S conc 695, enr 776 (Chapter 63)
- HB 1368-FN**, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. (DiFruscia, Rock 27; et al: Judiciary)  
K 188
- HB 1369-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. (DiFruscia, Rock 27; et al: Municipal and County Government)  
K 190
- HB 1370**, relative to establishing a 6-year capital budget. (Leber, Merr 1; et al: Public Works and Highways)  
SO 217, 248, psd 337, 351 S study
- HB 1371-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)  
K 205
- HB 1372-FN**, relative to certain residential care facilities. (Millham, Belk 4; et al: Health and Human Services and Elderly Affairs)  
am & Exec Depts 195, psd 443, 535, S conc 795, enr 826 (Chapter 101)

- HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees. (Dexter, Ches 11: Executive Departments and Administration) am 368, psd 422, S conc 795, enr 826 (Chapter 80)
- HB 1374-FN**, requiring the department of environmental services to bear certain clean-up costs. (Gilman, Graf 1: Environment and Agriculture) study 226
- HB 1375-FN**, relative to the sale of land by the department of transportation. (Gilman, Graf 1: Public Works and Highways) K 209
- HB 1376-FN**, relative to distribution of tobacco settlement funds. (Pilliod, Belk 3; et al: Finance) K (RC) 478-481
- HB 1377-FN**, relative to the regulation of physical therapists. (Bruno, Hills 4: Executive Departments and Administration) am 368-370, psd 422, conc S am 822, enr am 857-858, enr 865 (Chapter 237)
- HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 12; et al: Executive Departments and Administration) study 205
- HB 1379-FN**, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. (L. Christiansen, Hills 23: Judiciary) K 188
- HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age. (Souza, Hills 40; et al: Judiciary) K (RC) 330-334, recon rej 334
- HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities. (French, Merr 3; et al: Executive Departments and Administration) K 275
- HB 1382-FN**, revising requirements for restoring excavation sites. (B. Hall, Hills 20: Environment and Agriculture) K 306
- HB 1383**, relative to lucky 7. (Heon, Straf 14: Ways and Means) study 414
- HB 1384**, making certain technical changes to the workers' compensation law. (Gilman, Graf 1: Labor, Industrial and Rehabilitative Services) psd 188, 199, S conc 596, enr 645 (Chapter 18)
- HB 1385**, relative to trespassing on certain rail lines. (W. Kelley, Rock 12; et al: Criminal Justice and Public Safety) study 365
- HB 1386-FN**, establishing a research and investigation unit for the house of representatives. (Henderson, Rock 20: Legislative Administration) K 206
- HB 1387**, relative to toll exemptions for legislators. (Cossette, Straf 19: Legislative Administration) K 449
- HB 1388**, relative to respiratory care. (P. Bradley, Coos 6; et al: Executive Departments and Administration) am 472-473, psd 536, S conc 826, enr am 853, enr 858 (Chapter 275)

- HB 1389**, enabling towns to charge fees for the disproportionate use of municipal safety services. (Scovner, Graf 13; et al: Municipal and County Government)  
K 497
- HB 1390**, relative to quality assurance information. (Wendelboe, Belk 2: Judiciary)  
am 281-282, psd 350, conc S am 824, enr 857 (Chapter 221)
- HB 1391**, relative to municipal budgets. (Wendelboe, Belk 2: Municipal and County Government)  
K 284
- HB 1392**, relative to mediation before the board of manufactured housing. (Wendelboe, Belk 2: Commerce)  
K 362
- HB 1393**, relative to the determination of just compensation in eminent domain proceedings. (Wendelboe, Belk 2: Judiciary)  
**new title:** relative to business replacement costs resulting from government program displacement  
am 448, psd 536, conc S am 824, enr 857, veto sustained (RC) 883-887
- HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. (Wendelboe, Belk 2; et al: Executive Departments and Administration)  
rem 356, K(RC) 417-419
- HB 1395**, relative to historic district commissions. (Cox, Rock 24; et al: Municipal and County Government)  
K 284
- HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Whalley, Merr 5: Environment and Agriculture)  
psd 263, 350, nonconc S am, conf 776, 812, 835, rep adop 850, enr 865 (Chapter 238)
- HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro. (J. Bradley, Carr 8; et al: Municipal and County Government)  
psd 190, 199, S conc 353, enr 552 (Chapter 14)
- HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission. (Leone, Sull 2; et al: Municipal and County Government)  
psd 207, 249, S conc 795, enr 826 (Chapter 102)
- HB 1399-L**, relative to assessment of the land use change tax. (Goodwin, Straf. 12; Wheeler, Dist 21: Environment and Agriculture)  
study 368
- HB 1400**, not introduced
- HB 1401**, relative to the authority of highway agents. (Wendelboe, Belk 2: Municipal and County Government)  
K 207
- HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program. (Musler, Straf 6; et al: Resources, Recreation and Development)  
psd 373, 422, S conc 695, enr 826 (Chapter 75)

## 2002 SESSION

### SUPPLEMENTAL HOUSE BILLS INTRODUCED IN 2002

- HB 1403-L**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. (Sweeney, Hills 31; et al: Municipal and County Government)  
intro 4, K 336-337
- HB 1404-FN-A-L**, establishing an economic development resort and casino at Jericho Lake Park in Berlin. (Gallus, Coos 7; et al: Ways and Means)  
intro 4, K(RC) 245-248

**HB 1405**, relative to the Memorial Day holiday. (J. Flanders, Rock 18; et al: State-Federal Relations and Veterans Affairs)  
intro 4, am (RC) 411-413, psd 4223, S study 826

**HB 1406**, permitting the appointment of a temporary guardian for the children of activated members of the armed services and creating a committee to study the tuition waiver for national guard members. (Coughlin, Hills 12; et al: State-Federal Relations and Veterans Affairs)

**new title:** permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

**2<sup>nd</sup> new title:** permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, creating a committee to study the New Hampshire national guard education assistance act, and relative to the capital appropriation for the renovation and expansion of state armories.

intro 4, am 210-212, psd 249, nonconc S am, conf 819, 831, rep adop 850, enr am 861, enr 865, appointments 913 (Chapter 239)

**HB 1407**, relative to the definition of property in planning and zoning laws, and allowing planning and zoning boards to require public notice by posting signs for hearings on the property. (N. Johnson, Straf 5; et al: Municipal and County Government)

**new title:** relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances.

**2<sup>nd</sup> new title:** relative to the definition of abutter in planning and zoning laws.  
intro 89, am 454-455, psd 536, conc S am 823, enr 857 (Chapter 216)

**HB 1408**, relative to local ordinances regulating truancy. (Taylor, Straf 11: Children and Family Law)  
intro 89, K 288

**HB 1409-FN-A-L**, relative to payment of autopsy expenses and making an appropriation therefor. (Pilliod, Belk 3; et al: Finance)

**new title:** relative to payment of autopsy expenses.  
intro 89, am 447, psd 535, S nonconc 695

**HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election. (Gilmore, Straf 11; et al: Municipal and County Government)

**new title:** ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

intro 89, rem 427, SO 535, am 593-594, psd 595, nonconc S am, conf 818, 831, (no report filed) Clerk's note 906

**HB 1411-FN-A**, transferring funds from 2 capital accounts to the judicial branch for district court security implementation period funding. (Chandler, Carr 1; et al: Public Works and Highways)

**new title:** relative to transfer of funds for district and probate court security.

**2<sup>nd</sup> new title:** making an appropriation to the judicial branch for district and probate court security.

intro 89, am & Finance 232-233, am, rules suspended & psd 314-315, S conc & enr 384 (Chapter 5)

**HB 1412-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Wendelboe, Belk 2; et al: Health, Human Services and Elderly Affairs)  
intro 89, K 323



- HB 1413**, relative to disclosure of information by hospitals. (Francoeur, Rock 22; et al: Commerce)  
**new title:** relative to disclosure of information by hospitals, and relative to the regulation of dental restorative materials.  
 intro 129, am 436, psd 535, nonconc S am, conf 809, 825, rep adop 850, enr 865 (Chapter 240)
- HB 1414-FN-A-L**, relative to the valuation method in the excavation activity tax. (Whalley, Merr 5; et al: Ways and Means)  
**new title:** relative to taxation of excavation areas.  
 intro 129, rules suspended 199, am 345-378, psd 422, conc S am 651, enr am 694, enr 826, appointments 913 (Chapter 103)
- HB 1415**, relative to requiring taxpayers requesting abatements to answer inquiries of the assessors, and relative to appeals of certain abatement decisions. (P. Bradley, Coos 6; et al: Municipal and County Government)  
**new title:** relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.  
**2<sup>nd</sup> new title:** relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation, the rulemaking authority of the equalization standards board, the authority for staffing recommendations for the joint legislative committee on administrative rules, and granting authority for technical corrections to the unclassified salary structure.  
 intro 130, am 456, psd 536, conc S am 823, enr 857, committee amended 907 (Chapter 217)
- HB 1416-FN**, relative to the extent of the authority of agencies to adopt administrative rules. (Clegg, Hills 23; et al: Executive Departments and Administration)  
 intro 130, K(RC) 400-402
- HB 1417-FN-A**, eliminating the payment of the business enterprise tax on interest paid by business enterprises. (J. Sullivan, Carr 2; et al: Ways and Means)  
 intro 130, rules suspended 199, K 529
- HB 1418**, establishing a committee to study the cost of telephone calls from state prison inmates to their families. (Weatherspoon, Rock 20; et al: Criminal Justice and Public Safety)  
 intro 130, study 365
- HB 1419-FN-A**, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement. (E. Smith, Ches 6; et al: Public Works and Highways)  
**new title:** increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement and increasing a capital appropriation to the New Hampshire veterans' home to design and build a new facility.  
**2<sup>nd</sup> new title:** increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.  
 intro 130, rules suspended 256, am & Finance 338, am 481-482, psd 536, S conc 795, enr am 828, enr 843 (Chapter 133)
- HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. (P. Woods, Straf 11; et al: Judiciary)  
**new title:** establishing a task force to define the practice of law in New Hampshire.  
 intro 130, am (RC) 490-493, psd 537, nonconc S am, conf 813, 831, S req new conf, Clerk's note, rules suspended & new conf 849-850, rules suspended & rep adop 854, enr 857, appointments 913 (Chapter 218)
- HB 1421-FN-A**, relative to criminal extradition expenses and making an appropriation therefor. (J. Flanders, Rock 18: Criminal Justice and Public Safety)  
 intro 131, rules suspended 199, study 436
- HB 1422**, establishing certain positions in the insurance department. (Kurk, Hills 5; et al: Commerce)  
 intro 180, rules suspended 199, psd 288, 350, S conc 695, enr 750 (Chapter 64)

- HB 1423-FN**, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. (Clegg, Hills 23; et al: Criminal Justice and Public Safety)  
intro 181, am(2 RCs) 385-392, psd 422, conc S am 820, enr am 856, enr 858 (Chapter 222)
- HB 1424**, prohibiting the acceptance of certain funds within the university system of New Hampshire. (Pappas, Hills 48; et al: Education)  
intro 181, K
- HB 1425-FN**, relative to protective custody for intoxicated or incapacitated persons. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
intro 182, study 365
- HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
**new title:** relative to the availability of information on the registration of certain sexual offenders, and requiring certain sexual offenders and offenders against children to report any changes to such person's place of employment or schooling.  
intro 182, am 392-393, psd 423, nonconc S am, conf 812, 831, S rej conf rep, req new conf, rules suspended & new conf 849, rules suspended & rep adop 854, enr am 861, enr 865 (Chapter 241)
- HB 1427-FN-A-L**, establishing a property tax relief program for low income homeowners. (Peterson, Hills 8; et al: Ways and Means)  
intro 182, rules suspended 199, study 463
- HB 1428-FN-L**, relative to the formation of statewide cooperative purchasing agreements within school administrative units. (Peterson, Hills 8; et al: Education)  
intro 182, rem 256, K 347
- HB 1429**, relative to the scope of the consumer protection act. (Marshall Quandt, Rock 20; et al: Commerce)  
**new title:** relative to the scope of the consumer protection act and relative to the appointment of a director of administration for the office of attorney general.  
intro 182, rem 427, SO 535, am 591-592, psd 595, nonconc S am, conf 809, 825, rep adop 850, enr 865 (Chapter 276)
- HB 1430**, relative to appeals in actions against tenants. (Rowe, Hills 14; et al: Judiciary)  
intro 182, study 334
- HB 1431**, relative to the required term of service for jurors. (DiFruscia, Rock 27; et al: Judiciary)  
intro 183, K 370
- HB 1432**, establishing a committee to study the use of drug concentration levels to enforce prohibitions against driving under the influence of drugs. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
intro 183, K 365
- HB 1433**, prohibiting constructive possession of alcohol by minors. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
**new title:** prohibiting intoxication and constructive possession of alcohol by minors.  
**2<sup>nd</sup> new title:** prohibiting intoxication from consumption of alcoholic beverages by minors.  
intro 183, am 466-467 psd 536, nonconc S am, conf 812, 831, rep adop 851, enr am 861, enr 865 (Chapter 256)
- HB 1434**, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinzy, Sull 7; et al: Commerce)  
intro 183, psd 257, 350, S conc 646, enr 648 (Chapter 35)
- HB 1435**, extending the reporting dates of certain study committees. (D. White, Hills 25; et al: Legislative Administration)  
intro 200, psd 460, 536, S conc 695, enr 776, report date extended 907 (Chapter 65)

- HB 1436-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
intro 200, am 436-438, psd 535, nonconc S am, conf 812, 831, rep adop (unable to agree) 851
- HB 1437-FN-A**, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. (Marshall Quandt, Rock 20; et al: Commerce)  
**new title:** relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.  
intro 200, rules suspended 249, Finance 289, am 447-448, psd 536, S conc 826, enr 834 (Chapter 118)
- HB 1438-FN-A**, relative to fees collected by the attorney general. (Spiess, Hills 14; et al: Ways and Means)  
**new title:** relative to registration of health clubs.  
intro 200, am 436, psd 536, S conc 795, enr am 828, enr 843 (Chapter 134)
- HB 1439-FN-A**, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. (Wendelboe, Belk 2; et al: Public Works and Highways)  
intro 200, rules suspended 249, Finance 338-339, psd 482, 536, S conc 795, enr 826 (Chapter 81)
- HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. (Zerba, Ches 17; et al: Municipal and County Government)  
**new title:** establishing a New Hampshire local government records management improvement program and fund.  
intro 200, rules suspended 249, 355, Finance 410-411, am 601-602, psd 642, S conc 795, enr am 828, enr 843 (Chapter 145 )
- HB 1441**, relative to the availability of records of the joint committee on legislative facilities. (Herman, Hills 13; et al: Legislative Administration)  
intro 201, psd 450, 536, S conc 826, enr 843 , committee amended 907 (Chapter 135)
- HB 1442**, relative to eligibility for special number plates for former prisoners of war. (Putnam, Rock 15; et al: Transportation)  
intro 201, psd 375, 422, S conc 695, enr 776 (Chapter 66)
- HB 1443**, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities. (Babson, Carr 5: Education)  
intro 201, psd 440, 535, S conc 695, enr 776 (Chapter 67)
- HB 1444**, prohibiting the commemoration of groups who take up arms against United States policies. (Albert, Straf 17; et al: State-Federal Relations and Veterans Affairs)  
**new title:** requiring a majority vote of the legislature prior to placing memorials on certain state grounds.  
intro 201, am 373-374, psd 422, S nonconc 695
- HB 1445**, establishing a committee to study growth ordinances for municipalities. (Coes, Rock 19; et al: Municipal and County Government)  
intro 201, K 456-457
- HB 1446**, relative to the recitation of the pledge of allegiance in the public schools. (Sapareto, Rock 13; et al: Education)  
intro 201, rcmt 394, psd (3 RCs) & protest 544-552, psd 595, conc S am 821, enr am 857, enr 858 (Chapter 277)
- HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
intro 248, rules suspended 355, psd 634, 642, conc S am 749, enr 826, appointments 914 (Chapter 104)

- HB 1448-FN**, relative to the salaries of unclassified state officers. (Herman, Hills 13; Executive Departments and Administration)  
intro & rules suspended 249, K 403
- HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. (Calawa, Hills 17; et al: Resources, Recreation and Development)  
**new title:** establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.  
intro 250, rules suspended 355, K (RC) 629-634, rules suspended, recon, & am (RC) 687-692, psd 693, conc S am 824, enr am 857, enr 858, report date extended 907 (Chapter 278)
- HB 1450**, authorizing the sweepstakes commission to allow multi-hall, linked bingo games. (L. Fraser, Merr 9; et al: Ways and Means)  
intro 251, am & study(2 RCs) 529-535
- HB 1451-FN-A**, implementing the Mobile Telecommunications Sourcing Act. (Alukonis, Hills 23; et al: Ways and Means)  
**new title:** implementing the Mobile Telecommunications Sourcing Act and relative to the telecommunications equipment assistance program.  
intro 251, am 378-379, psd 422, conc S am 825, enr 857 (Chapter 219)
- HB 1452-FN**, establishing the New Hampshire homeland defense service ribbon. (P. Sullivan, Hills 39; et al: State-Federal Relations and Veterans Affairs)  
intro 251, study 413-414
- HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee. (Heon, Straf 14; et al: State-Federal Relations and Veterans Affairs)  
intro 252, psd 374, 422, S conc 695, enr 826, report date extended 907, appointments 917 (Chapter 76)
- HB 1454-FN**, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system. (Weatherspoon, Rock 20; et al: Criminal Justice and Public Safety)  
intro 252, rules suspended 355, study 438
- HB 1455-FN-L**, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets. (Cox, Rock 24; et al: Executive Departments and Administration)  
**new title.** establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.  
intro 252, rules suspended 355, am 443-444, psd 535, S conc 795, enr am 828, enr 843 (Chapter 146)
- HB 1456-FN**, relative to information on drivers' licenses. (Clegg, Hills 23; et al: Transportation)  
**new title:** relative to information on drivers' licenses and relative to motor vehicle records.  
intro 252, am 521-522, psd 537, conc S am 825, enr 857 (Chapter 242)
- HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. (Clegg, Hills 23; Criminal Justice and Public Safety)  
intro 252, am 438-439, psd 535, nonconc S am 820
- HB 1458-FN-L**, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system. (Teschner, Graf 5; et al: Executive Departments and Administration)  
intro 252, rules suspended 355, K 445
- HB 1459-FN-A**, making an appropriation to the Alan B. Shepard discovery center. (Gilmore, Straf 11; et al: Public Works and Highways)  
intro 252, rules suspended 355, K 497

- HB 1460-FN**, relative to penalties for alcohol- and drug-related offenses. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
intro 252, rules suspended 355, am 439-440, psd 535, S conc 795, enr am 832, enr 843 (Chapter 136)
- HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety. (Clegg, Hills 23; et al: Executive Departments and Administration)  
**new title:** transferring the office of emergency management to the department of safety, division of fire safety and emergency management.  
intro 252, rules suspended 355, am (RC) 552-563, psd 595, conc S am 822, enr am 861-862, enr 865 (Chapter 257)
- HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education. (Norelli, Rock 31; et al: Ways and Means)  
intro 252, rules suspended 355, psd (2 RCs) 586-591, 595, nonconc S am, conf 819, S rej conf req 829
- HB 1463-FN**, relative to sole proprietors under the unemployment compensation law. (M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)  
intro 253, study 449
- HB 1464-FN**, prohibiting human cloning in New Hampshire. (Souza, Hills 40; et al: Health, Human Services and Elderly Affairs)  
intro 253, rules suspended 355, K(RC) 620-623
- HB 1465**, extending the New Hampshire task force on deafness and hearing loss. (Wendelboe, Belk 2; et al: Health, Human Services and Elderly Affairs)  
intro 253, psd 448, 536, S conc 795, enr 826, report date extended 907 (Chapter 105)
- HB 1466-FN-L**, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster. (P. Bradley, Coos 6; et al: Municipal and County Government)  
intro 253, rules suspended 355, study 457
- HB 1467-FN**, relative to the cost of vaccines. (Wendelboe, Belk 2; et al: Commerce)  
intro 253, rules suspended 355, am 598-600, psd 642, conc S am 809, enr am 857, enr 858 (Chapter 279)
- HB 1468-FN**, relative to prescription drugs and medicaid best practices. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)  
intro 253, psd 487-488, 536 (S study)
- HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service. (Mock, Carr 3; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.  
intro 253, rules suspended 355, rem 598, am 639-640, psd 642, S conc 826, enr 843, appointments 914 (Chapter 137 )
- HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees. (Avery, Ches 8; et al: Executive Departments and Administration)  
intro 253, rules suspended 355, study 601
- HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. (Holden, Hills 7; et al: Public Works and Highways)  
intro 254, rules suspended 355, am 603-604, psd 642, remarks 644, conc S am 824, enr 854, appointments 916 (Chapter 196)

- HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
intro 254, rules suspended 355, rem 427, SO 535, am, rules suspended & Ways and Means 592-593, psd 639, 642 conc S am 820, enr am 857, enr 858 (Chapter 280)
- HB 1473-FN-A**, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility. (E. Smith, Ches 6; et al: Public Works and Highways)  
intro 254, psd 457, 536, S conc 795, enr 823 (Chapter 106)
- HB 1474**, relative to creating county commissioner districts in Strafford county. (Gilmore, Straf 11; et al: Election Law)  
intro 254, K 468
- HB 1475**, establishing a committee to study the use of state-issued identification by law enforcement to enhance public safety. (Guay, Coos 6; et al: Transportation)  
intro 349, K 460
- HB 1476**, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system. (Goley, Hills 37; et al: Municipal and County Government)  
intro 349, rules suspended 355, psd 457, 536, S conc 695, enr am 832-833, enr 843 (Chapter 147)
- HB 1477**, relative to the use of the real property of counties. (Gilmore, Straf 11; 12: Municipal and County Government)  
intro 349, rules suspended 355, K 457
- HB 1478-FN-A**, relative to public health emergency preparation and response. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
intro 349, rules suspended 355, am 623-629, psd 642, nonconc S am, conf 813, 831, rep adop 851, enr am 862-864, enr 865, committee amended 907, appointments 917 (Chapter 258)
- HB 1479-FN**, establishing the crime victim employment leave act. (Peter Sullivan, Hills 39; et al: Labor, Industrial and Rehabilitative Services)  
intro 349, study 449
- HB 1480**, relative to liability for benefits under workers' compensation. (M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)  
intro 349, study 449
- HB 1481-FN-L**, relative to a highway construction project in Nashua. (Gleneck, Hills 29; et al: Public Works and Highways)  
intro 352, rules suspended 355, rem 598, K 641
- HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor. (Holbrook, Belk 7; et al: Environment and Agriculture)  
intro 352, rules suspended 353, psd 615, 642, S conc 795, enr am 833, enr 842 (Chapter 197)
- HB 1483**, relative to filling vacancies occurring on school boards. (Gleneck, Hills 29; et al: Education)  
**new title:** relative to municipal budget committees.  
intro 352, rules suspended 356, am (RC) 605-609, psd 642, nonconc S am, conf 822, 831 (no report filed) Clerk's note 906
- HB 1484 – 1999**, not introduced
- HB 2000**, relative to the state 10-year transportation improvement program. (E. Smith, Ches 6: Public Works and Highways)  
**new title:** relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

**2<sup>nd</sup> new title:** relative to the state 10-year transportation improvement program, and establishing a transportation project study committee.

**3<sup>rd</sup> new title:** relative to the state 10-year transportation improvement program, establishing a transportation project study committee, increasing the distribution to certain municipalities from the special railroad fund, establishing a committee to study the distribution from the special railroad fund, and relative to a certain property tax exemption.

intro 250, am (RC) 498-501, psd 537, nonconc S am, conf 818, 831, rep adop 851, enr 865, appointments 914 (Chapter 259)

**HB 2001**, not introduced

**HB 2002**, apportioning state representative districts. (Hager, Merr.18; et al:

**new title:** apportioning state representative districts and authorizing the city of Manchester to hold a special election on the question of establishing a charter commission.

**new title:** apportioning state representative districts and relative to filing deadlines for the 2002 general election for state representatives.

rules suspended for intro (RC) 892-894, recon.rules suspended, intro & am 902-903, psd 904, S refused intro 904, 906

## 2002 SESSION

### HOUSE CONCURRENT ORDER

**HCO 1**, an order relative to implementing an election pursuant to representative districts established in the order.

intro & psd (3 RCs) 894-902, S refused intro 904, 906

### (CLERK'S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following House Concurrent Resolutions are included in this category:

## 2002 SESSION

### 2001 HOUSE CONCURRENT RESOLUTIONS

**HCR 14**, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

**new title** declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

am (2 RCs) & remarks 168-180, adop 180, S nonconc 826

**HCR 20**, encouraging trade with the Central American Northern Triangle. (Thompson, Hills 47: State-Federal Relations and Veterans Affairs)

K 286

**HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001. (L. Fraser, Merr 9; et al: Commerce)

adop 212, 249, S conc 695

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest. (Gilman, Graf 1; et al: State-Federal Relations and Veterans Affairs)

adop 212, 250, S conc 695, enr am 828

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. (Teschner, Graf 5; et al: State-Federal Relations and Veterans Affairs)

rem 203, SO 248, adop 339, 351, S conc 695, enr am 829

**HCR 24**, urging the federal government to declare a moratorium on major airline industry mergers. (Coughlin, Hills 12; et al: State-Federal Relations and Veterans Affairs)  
K 212

**HCR 25**, encouraging an increased distribution of federal money from the military budget to the states. (French, Merr 3; et al: State-Federal Relations and Veterans Affairs)  
K 212

**HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market. (Richardson, Ches 12: State-Federal Relations and Veterans Affairs)  
K 286

**HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II. (Pepino, Hills 40; et al: State-Federal Relations and Veterans Affairs)  
adop 286, 350, S conc 695

**HCR 28**, urging increased federal funding for quality breast cancer research. (Pepino, Hills 40; et al: State-Federal Relations and Veterans Affairs)  
intro 180, am 286-287, adop 350, nonconc S am, conf 750, 812, 835, rep adop 851

### (CLERK'S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following House Resolutions were included in this category:

### 2002 SESSION HOUSE RESOLUTIONS

**HR 20**, supporting the country of Tibet. (J. White, Hills 46; et al: State-Federal Relations and Veterans Affairs)  
adop 287, 350

**HR 21**, urging the development and implementation of a national missile defense system. (Guinta, Hills 39; et al: State-Federal Relations and Veterans Affairs)  
intro 4, SO 217, 248, am (2 RCs) 339-345, adop 351

**HR 22**, honoring and memorializing Niels F. F. Nielsen, Jr.  
intro & adop 1-2

**HR 23**, memorializing State Representative James A. Whittemore of Franklin.  
intro & adop 184-185

**HR 24**, affirming revenue estimates for fiscal years 2002 and 2003. (Alukonis, Hills 23: Ways and Means)  
intro 202, am & LT 841-842, am & adop 887-888, 890

**HR 25**, memorializing State Representative Raymond E. Proulx of Dover.  
Intro, adop & remarks 837-838

**HR 26**, denouncing the opinion of the United States Court of Appeals for the Ninth Circuit holding that the recitation of the pledge of allegiance in public schools is an unconstitutional endorsement of religion. (Sapareto, Rock 13)  
rules suspended, intro & adop 903-904



**2002 SESSION  
SENATE BILLS**

- SB 1**, apportioning state senate districts. (Election Law)  
intro 251, psd (2 RCs) 610-615, 642, enr 646, S sustained veto 888
- SB 3**, apportioning congressional districts. (Election Law))  
intro 251, psd 615, 642, enr 648 (Chapter 32)
- SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor.  
study 22
- SB 22**, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.  
K 19
- SB 26**, relative to probate court procedures regarding adoptions.  
psd 90-91, enr am 203, enr 552 (Chapter 9)
- SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration.  
K 42
- SB 30**, relative to DNA testing of criminal offenders.  
study 17
- SB 31**, eliminating straight ticket voting.  
K (RC) 137-139
- SB 34**, relative to the process for nonrenewal of teacher contracts. (Education)  
intro 250, am (RC) 727-730, psd 794, S nonconc, conf 821, (no report filed) Clerk's note 906
- SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.  
K 22
- SB 39**, establishing the position of market conduct chief administrator in the insurance department.  
K 19
- SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training. (Commerce)  
intro 250, am 662-663, psd 692, S conc 826, enr 843(Chapter 125)
- SB 56**, relative to health care providers discontinuing service in New Hampshire.  
psd 11, 88, enr 131(Chapter 1)
- SB 64**, establishing a fund to pay mediators in the probate courts.  
Finance 42, am 279, psd 350, S conc 826, enr am 853, enr 854 (Chapter 198)
- SB 66-FN-A**, relative to appropriations to the port authority for dredging projects.  
K 34
- SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses.  
K 22
- SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system.  
K 22
- SB 77**, relative to the regulation of plumbers and plumbing.  
K 19
- SB 81-FN-A**, regulating medication nursing assistants under the nurse practice act.  
K 20

**SB 88-FN-A**, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor.

K 34

**SB 101-FN**, relative to mooring permits and fees.

K 165

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.

**new title:** making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

Public Works and Highways 46, am & Finance 233-234, am 482-484, psd 536, S conc am, enr am, & enr 646 (Chapter 26)

**SB 110-FN-A**, extending the kindergarten construction program.

K 22

**SB 112**, relative to election day registration. (Election Law)

intro 424, am (RC) 734-737, psd 794, S conc 826, enr 843, S sustained veto 888

**SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters.

psd 22, 88, enr 131 (Chapter 2)

**SB 120**, relative to tip pooling for certain hourly employees.

K 26

**SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.

**new title:** relative to the confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court.

am 136-137, psd 180, S conc 826, enr am 834, enr 865, appointments 914 (Chapter 243)

**SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation.

K 22

**SB 126**, relative to the use of certain credit data in underwriting certain insurance policies.

K 11

**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury.

rem 4, rcmt 67, K 186-187

**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor.

**new title:** relative to Skyhaven airport.

am 23, psd 88, S conc 826, enr 843 (Chapter 126)

**SB 135-FN-L**, relative to kindergarten funding.

K 23

**SB 140-FN-L**, relative to the formula for free and reduced-price lunches. (Finance)

intro 424, am 737-738, psd 794, S conc 826, enr am 853, enr 865 (Chapter 260)

**SB 141**, relative to proof of qualifications for voter registration.

psd (RC) 102-105, 129, enr 185, S sustained veto 888

**SB 142-FN**, relative to the collection of debts owed to the state.

K 42

**SB 155-L**, limiting the liability of teachers and other educational employees.

**new title:** establishing penalties for frivolous actions against teachers and other education employees.

am 24-25, psd 88, S conc 826, enr am 834, enr 854 (Chapter 149)

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children.

rem 4, rcmt 67, K 187

**SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

study 51

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

**new title:** relative to specialized treatment for certain individuals and making an appropriation therefor.

am & Finance 51-54, am 484-485, psd 536, S nonconc, conf 821, 835, rep adop 840, enr am 861, enr 865 (Chapter 244)

**SB 177-FN-L**, relative to computation of tax increments in municipal economic development and revitalization districts. (Municipal and County Government)

intro 352, study 659

**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund.

**new title:** establishing a brain injury program and making an appropriation therefor.

am 106-107, psd 129, S conc 646, enr am 861, enr 865, committee amended 907 (Chapter 245)

**SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing.

K 42-43

**SB 186-FN**, relative to the powers and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators. (Criminal Justice and Public Safety)

intro 182, study 653

**SB 187-FN**, establishing a committee to study eminent domain proceedings. (Judiciary)

intro 424, psd 668, 692, enr am 693, enr 826, appointments 914 (Chapter 68)

**SB 188-FN-L**, relative to abatements and appeals of betterment assessments.

K 33

**SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund.

K 23

**SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members.

study 105

**SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts.

K 440

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

**new title:** relative to the job training program for economic growth.

am & Ways and Means 26-27, rem 203, SO 248, rules suspended 249, am & Finance 346-347, psd 448, 536, S conc 826, enr 843, committee amended 907 (Chapter 127)

**SB 300**, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures. (Municipal and County Government)

**new title:** relative to the calculation of majority votes under official ballot voting procedures.  
intro 596, am 716-717, psd 793, S nonconc, conf 821, 835, rep adop 838, enr 865 (Chapter 246)

**SB 301**, relative to an innovation initiative within the division of economic development. (Science, Technology and Energy)

**new title:** relative to an innovation initiative within the division of economic development and the creation of the New Hampshire e-commerce advisory commission.  
intro 250, am & Ways & Means 679-681, am 725-726, psd 794, S nonconc, conf 821, rep adop 838-839, enr 865, appointments 916 (Chapter 223)

**SB 302**, relative to privacy in the relationship between financial institutions and customers. (Commerce)  
intro 424, K 699

**SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Judiciary)  
intro 251, psd 602-603, 642, enr 648, report date extended 906 (Chapter 33)

**SB 309-FN**, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. (Executive Departments and Administration)

**new title:** relative to payment of medical benefits costs for disabled group II members of the retirement system.  
intro 424, am & Finance 653-654, psd 715, 793, S conc 826, enr 843 (Chapter 128)

**SB 312**, relative to quarterly payment of estimated interest and dividends tax. (Ways and Means)  
intro 250, psd 661, 692, enr 750 (Chapter 45)

**SB 313**, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage. (Commerce)  
intro 352, psd 699, 793, enr 826 (Chapter 107)

**SB 314-FN**, relative to Selective Service Act Compliance through driver's license applications. (Transportation)  
intro 424, am 682-684, psd 693, S conc 827, enr 843 (Chapter 129)

**SB 315-FN**, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. (Resources, Recreation and Development)  
intro 424, study (3 RCs) 669-678

**SB 316**, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions. (Public Works and Highways)  
intro 424, psd 718, 793, enr 826, appointments 914 (Chapter 69)

**SB 317**, establishing a committee to study boat registration fees and eradication of milfoil and other exotic weeds. (Resources, Recreation and Development)  
intro 250, K 719

**SB 318**, relative to transfers of funds from the sweepstakes fund for sweepstake purposes. (Ways and Means)

**new title:** relative to transfers of funds from the sweepstakes fund for salary and retirement benefits.  
intro 352, am 661, psd 692, S nonconc, conf 829, 835, rep adop 839, enr 865 (Chapter 224)

**SB 319**, relative to participation in international lotteries. (Ways and Means)  
intro 352, psd (RC) 684-686, 693, recon rej 793, enr 826 (Chapter 108)

**SB 320**, establishing a study committee to review independent living retirement communities. (Health, Human Services and Elderly Affairs)  
intro 353, psd 657-658, 692, enr am 693, enr 826, appointments 914 (Chapter 70)

- SB 321-L**, clarifying the right to public education for children of homeless families. (Education)  
**new title:** establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.  
 intro 424, am 711-713, psd 793, S conc 827, enr 843, appointments 914 (Chapter 138)
- SB 324**, urging a study of the operating efficiency of state government. (Executive Departments and Administration)  
 intro 353, study 714
- SB 326**, establishing a committee to study the workers' compensation appeals process at the department of labor. (Labor, Industrial and Rehabilitative Services)  
**new title:** establishing a committee to study the workers' compensation hearings and appeals process at the department of labor.  
 intro 251, am 774-775, psd 794, S conc 827, enr am 834, enr 854, appointments 915 (Chapter 199)
- SB 328**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Transportation)  
 intro 251, psd 604-642, enr 646, appointments 915 (Chapter 23)
- SB 330**, relative to the administration of a patient's own prescription by emergency medical care providers. (Executive Departments and Administration)  
 intro 353, K 714
- SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system. (Executive Departments and Administration)  
**new title:** changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules.  
 intro 353, am & Finance 654-655, am 716, psd 793, S conc 827, enr am 834, enr 854, committee amended 907 (Chapter 150)
- SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. (Executive Departments and Administration)  
 intro 424, study (RC) 665-668
- SB 334**, relative to grounds for refusal or denial of hotel accommodations. (Commerce)  
 intro 424, am 699-700, psd 793, S conc 833, enr 854 (Chapter 151)
- SB 336**, relative to disclosure of political contributions and expenditures. (Election Law)  
**new title:** establishing a committee to study campaign finance reform and apportioning state representative districts.  
 intro 424, SO 737, ams (3 RCs) & protests 750-772, psd 794, S conc 833, enr 834, S sustained veto 888
- SB 337**, relative to consent orders in abuse and neglect cases. (Children and Family Law)  
 intro 424, am 696, psd 793, S conc 833, enr 854 (Chapter 152)
- SB 338**, relative to ex parte orders in domestic relations cases. (Children and Family Law)  
 intro 424, psd 652, 692, enr 750 (Chapter 46)
- SB 339**, relative to approval of contingent fee agreements by the courts. (Judiciary)  
 intro 424, am 747-748, psd 794, S conc 833, enr 854 (Chapter 153)
- SB 342**, relative to the purpose of the certificate of need law. (Health, Human Services and Elderly Affairs)  
 intro 353, rem 598, am 640-641, psd 642, S nonconc 826

**SB 343-FN**, relative to appeals in actions against tenants. (Judiciary)  
intro 424, study 748

**SB 345**, making the misrepresentation of the geographic location of a business a violation of the consumer protection act. (Commerce)  
intro 424, K 700-701

**SB 347**, establishing a study committee on public building access and the disabled. ( Health, Human Services and Elderly Affairs)  
intro 251, psd 370, 422, enr 522, appointments 915 (Chapter 10)

**SB 348**, relative to the retail pricing of beer. (Commerce)  
intro 424, study 701

**SB 350-FN-A**, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton. (Ways and Means)  
intro 425, K 686

**SB 351**, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. (Municipal and County Government)  
intro 353, psd 668, 692, enr 693, appointments 915 (Chapter 41)

**SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk. (Education)  
intro 251, am & Finance 730-734, rules suspended, am, rules suspended & psd (2 RCs) 797-808, S nonconc, conf 829, (no report filed) Clerk's note 906

**SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Environment and Agriculture)  
intro 353, am 653, psd 692, S conc 833, enr 854 (Chapter 154)

**SB 354**, authorizing foster parents to act as surrogate parents for educationally disabled children. (Education)  
**new title:** authorizing foster parents to act as educational advocates for foster children with educational disabilities.  
intro 425, am 713-714, psd 793, S conc 833, enr am 853, enr 857 (Chapter 205)

**SB 356**, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith. (Resources, Recreation and Development)  
intro 251, psd 659-660, 692, enr 693 (Chapter 42)

**SB 358**, relative to the authority to assess administrative fines to ophthalmic dispensers. (Executive Departments and Administration)  
intro 425, am 714, psd 793, S conc 833, enr 854 (Chapter 155)

**SB 360-FN**, establishing criminal penalties for the introduction of computer contaminants. (Criminal Justice and Public Safety)  
intro 425, am 708-711, psd 793, S conc 833, enr am 857, enr 858 (Chapter 261)

**SB 361-FN**, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. (Science, Technology and Energy)  
intro 353, psd 660, 692, enr 693, appointments 915 (Chapter 43)

**SB 362**, relative to the membership and duties of the New Hampshire film and television commission. (Commerce)  
intro 251, psd 600, 642, enr am 648, enr 651 (Chapter 39)

- SB 363**, establishing a committee to study economic distortions associated with property taxation. (Ways and Means)  
intro 353, K 726
- SB 366**, relative to the biennial reports of the public utilities commission. (Science, Technology and Energy)  
**new title:** relative to the biennial reports of the public utilities commission, relative to membership of the site evaluation committee, and relative to the electricity consumption tax.  
intro 353, am & Ways and Means 681-682, psd 788, 794, S nonconc, conf 825, rep adop839-840, enr 865 (Chapter 247)
- SB 367**, relative to the guardian ad litem board. (Children and Family Law)  
intro 353, am 696-698, psd 793, S conc 833, enr am 853, enr 857, appointments 917 (Chapter 206)
- SB 368**, granting probate courts the power to issue attachments and levies of execution. (Judiciary)  
intro 353, psd 658, 692, enr 750 (Chapter 47)
- SB 369**, relative to compensation of guardians and conservators for administrative expenses. (Judiciary)  
intro 353, psd 658, 692, enr 750 (Chapter 48)
- SB 370**, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. (Commerce)  
intro 425, psd 652, 692, enr 750 (Chapter 49)
- SB 371-FN**, relative to the regulation of manufactured housing parks. (Commerce)  
intro 425, psd 701, 793, enr 826, committee amended 907 (Chapter 109)
- SB 372**, prohibiting the sale of reformulated gasoline in certain counties of the state. (Science Technology and Energy)  
intro 425, K 682
- SB 380**, establishing a committee to study the space needs of the division of safety services within the department of safety. (Public Works and Highways)  
intro 353, K 718
- SB 381**, relative to the employee benefits of employees of the Pease development authority. (Labor, Industrial and Rehabilitative Services)  
intro 425, vac Exec Depts 651, psd 714-715, 793, enr 826 (Chapter 110)
- SB 383**, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. (Judiciary)  
intro 383, study 603
- SB 385**, relative to electric personal assistive mobility devices. (Transportation)  
intro 182, rem 256, psd 349, 351, enr am & enr 352, appointments 915 (Chapter 4)
- SB 386**, relative to automated external defibrillators. (Criminal Justice and Public Safety)  
intro 353, am 711, psd 793, S conc 834, enr 854 (Chapter 156)
- SB 388**, relative to bingo game operation. (Ways and Means)  
intro 425, am 661-662, psd 692, S conc 834, enr 854 (Chapter 157)
- SB 391-FN**, relative to appeals from the compensation appeals board. (Judiciary)  
intro 425, study 748
- SB 392**, establishing a committee to study certification of mortgage loan originators. (Commerce)  
**new title:** relative to the regulation of revolving credit plans.  
intro 353, am 701-708, psd 793, S conc 834, enr am 857, enr 858 (Chapter 225)

- SB 393**, relative to expiration of contact lens and corrective lens prescriptions. (Health, Human Services and Elderly Affairs)  
intro 425, K 668
- SB 394**, relative to the duties of the advisory committee on international trade. (Commerce)  
intro 353, psd 600, 642, enr 648 (Chapter 34)
- SB 395**, making certain changes to the laws pertaining to special education. (Education)  
intro 251, am 724, psd 794, S conc 834, enr 854 (Chapter 158)
- SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety. (Executive Departments and Administration)  
intro 425, study 668
- SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. (Resources, Recreation and Development)  
intro 353, psd 678, 692, enr am 693, enr 826 (Chapter 71)
- SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code. (Commerce)  
intro 353, am 652-653, psd 692, S conc 834, enr 854 (Chapter 159)
- SB 400**, establishing a committee to study issues concerning the Poison Information and Control Center. (Health, Human Services and Elderly Affairs)  
intro 353, psd 658, 692, enr 693, appointments 915 (Chapter 44)
- SB 402-FN-A**, establishing a committee to study long-term care funding and making an appropriation therefor. (Commerce)  
intro 425, K 663
- SB 403-FN**, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. (Transportation)  
**new title:** relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors.  
intro 425, am 660-661, psd 692, S conc 834, enr am 853, enr 858 (Chapter 262)
- SB 404**, changing certain limitations on investment management fees and investments by banks acting as fiduciaries. (Commerce)  
intro 425, psd 708, 793, enr 826 (Chapter 78)
- SB 405**, relative to special number plates for veterans. (Transportation)  
intro 251, am 604-605, psd 642, S conc 834, enr 854 (Chapter 160)
- SB 406**, relative to animal control and animal population control fees for cats. (Municipal and County Government)  
**new title:** relative to animal control.  
intro 425, am 659, psd 692, S conc 834, enr 854 (Chapter 161)
- SB 408**, governing records management of abuse or neglect reports. (Children and Family Law)  
intro 425, am 698, psd 793, S conc 834, enr 854 (Chapter 162)
- SB 409**, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry. (Children and Family Law)  
intro 425, psd 698, 793, enr 826 (Chapter 111)
- SB 410**, relative to large groundwater withdrawals. (Resources, Recreation and Development)  
intro 353, am (2 RCs) 776-787, psd 794, S nonconc 826
- SB 411**, extending the reporting dates of certain study committees. (Legislative Administration)  
intro 353, psd 658-659, 692, enr 750, report date extended 906, 907 (Chapter 50)



- SB 412**, relative to the licensure of dietitians. (Executive Departments and Administration)  
intro 425, am 715, psd 793, S conc 824, enr 854 (Chapter 163)
- SB 413**, establishing a committee to study background checks for nursing home employees. (Health, Human Services and Elderly Affairs)  
intro 353, psd 602, 642, enr 646, appointments 916 (Chapter 24)
- SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. (Public Works and Highways)  
intro 353, psd 719, 794, enr am 829, enr 842, report date extended 907 (Chapter 164)
- SB 415**, relative to the severing of joint tenancies in property by divorce. (Children and Family Law)  
intro 425, am 726, psd 794, S nonconc, conf 820, (no report filed) Clerk's note 906
- SB 418-FN**, relative to unemployment compensation. (Labor, Industrial and Rehabilitative Services)  
intro 425, psd 775, 794, enr 826 (Chapter 77)
- SB 419**, relative to notification of groundwater contamination. (Resources, Recreation and Development)  
**new title:** relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.  
intro 353, am 678-679, psd 692, S conc 834, enr 851, S sustained veto 888
- SB 420-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift investigator. (Executive Departments and Administration)  
intro 425, am & Finance 656, rem 696, study 790
- SB 422-FN**, relative to the insurance laws. (Commerce)  
intro 425, am 663-665, psd 692, S conc 834, enr 857 (Chapter 207)
- SB 423-FN-A**, relative to fees collected by the department of safety and certificates of title. (Ways and Means)  
**new title:** relative to fees collected by the department of safety, certificates of title, and disclosure of information for the development, maintenance, and updating of the tax policy modeling system, and making an appropriation to the governor's office of emergency management.  
intro 425, Finance 686-687, am 738-740, psd 794, S conc 834, enr 854 (Chapter 165)
- SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education. (Finance)  
intro 353, am & SO (RC) 740-744, am (RC) 772-774, psd 794, S conc 834, enr am 853, enr 854, S sustained veto 889
- SB 426**, relative to the use of force by persons entrusted with the care of minors in child care settings. (Children and Family Law)  
intro 425, psd 726-727, 794, enr 826 (Chapter 112)
- SB 429**, relative to the community technical college system. (Education)  
intro 425, study 665
- SB 430**, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption. (Municipal and County Government)  
intro 425, am 717-718, psd 793, S nonconc, conf 829, 835, rep adop (unable to agree) 840
- SB 433**, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases. (Children and Family Law)  
intro 645, psd 698, 793, enr 826 (Chapter 113)
- SB 434**, establishing the duties of the fish and game commission. (Fish and Game)  
intro 425, am 656-657 psd 692, rej S conf req 821

- SB 435-FN**, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. (Judiciary)  
intro 596, Finance 658, psd 716, 793, enr 826, appointments 916 (Chapter 72)
- SB 436**, allowing municipalities to adopt a lower interest rate charged on property tax payments made for property redemptions. (Municipal and County Government)  
intro 645, K 775
- SB 437-FN-L**, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems. (Resources, Recreation and Development)  
**new title:** relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants.  
intro 645, am 719-722, psd 794, S conc 834, enr am 853, enr 854, appointments 916 (Chapter 141)
- SB 439**, relative to the membership of the information technology management advisory board. (Executive Departments and Administration)  
intro 596, am 715, psd 793, S conc 834, enr 854, appointments 916-917 (Chapter 166)
- SB 440**, relative to rules for water conservation. (Resources, Recreation and Development)  
intro 645, rem 696, psd (RC) 790-792, 794, enr am 829, enr 842 (Chapter 142 )
- SB 441-FN-A**, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications. (Executive Departments and Administration)  
**new title:** establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety.  
intro 645, rem 696, am 789-790, psd 794, S conc 834, enr am 854, enr 857, appointments 916 (Chapter 220)
- SB 442-FN**, establishing a committee to study revising the statutes relative to the state militia and the state guard. (State-Federal Relations and Veterans Affairs)  
**new title:** establishing a committee to study revising the statutes relative to the state militia and the state guard, making certain technical changes to the militia statutes, and creating 2 funds.  
intro 596, am 722-725, psd 794, S nonconc, conf 829, rep adop 840-841, enr am 861, enr 865, appointments 916 (Chapter 248)
- SB 443-FN**, relative to the division of condominiums. (Commerce)  
intro 645, am 708, psd 793, S conc 834, enr 854 (Chapter 167)
- SB 444**, relative to parents in the classroom. (Education)  
intro 645, K 714
- SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility. (Children and Family Law)  
intro 645, am 698-699, psd 793, S conc 834, enr 854 (Chapter 168)
- SB 446**, relative to rights and protections for New Hampshire national guard members called to state active duty. (State-Federal Relations and Veterans Affairs)  
intro 596, psd 660, 692, enr am 693, enr 826 (Chapter 82)
- SB 447**, requiring the real estate commission to create an agency disclosure form and an agency informational brochure. (Commerce)  
intro 645, K 708
- SB 451**, relative to the shoreland protection act. (Resources, Recreation and Development)  
intro 645, am 722, psd 794, S conc 834, enr am 854, enr 858 (Chapter 263)

**SB 452**, relative to fines for violations of the shoreland protection act. (Resources, Recreation and Development)  
intro 645, am 787-788, psd 794, S conc 834, enr 854 (Chapter 169)

**SB 453**, relative to setbacks in the shoreland protection act. (Resources, Recreation and Development)  
intro 645, psd 788, 794, enr 826 (Chapter 114)

**SB 455-FN-A**, relative to funding for district and probate court security. (Finance)  
intro 646, am (RC) 744-747, psd 794, S conc 834, enr 843 (Chapter 139)

**SB 456-FN-A**, making appropriations to the department of health and human services.  
rules suspended, intro & psd 842-843, 854, enr 857 (Chapter 208)

## 2002 SESSION

### SENATE CONCURRENT RESOLUTIONS

**SCR 3**, expressing the fundamental importance of public health to the people of New Hampshire. (State-Federal Relations and Veterans Affairs)  
intro 645, adop 725, 794

**SCR 4**, relative to prescription drug patient assistance programs. (State-Federal Relations and Veterans Affairs)  
intro 645, adop 788, 794

## 2002 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

#### 2001 CACR'S RETAINED IN COMMITTEE

**CACR 2**, relating to the nomination and appointment of judicial officers. providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court.  
K 23

**CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed.  
K 23

**CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed.  
K 24

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.  
conc S am 696, enr am 833, enr 842

**CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education.  
LT 192-194, 906

**CACR 15**, relating to a balanced budget. Providing that the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue.  
K 105

**CACR 16**, relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter.

K (RC) 54-56

**CACR 17**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.

K 20

**CACR 20**, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education.

K 20

**CACR 21**, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business.

**new title:** relating to compensation for members of the general court. Providing that members of the general court shall be compensated \$2,000 for each biennium for their services, with presiding officers receiving \$2,500.

am & K(2 RCs) 158-164

**CACR 22**, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose.

K 20

**CACR 23**, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose.

K 20-21

**CACR 24**, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

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**CACR 25**, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

K 40

#### (CLERK'S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following Constitutional Amendment Concurrent Resolutions were included in this category:

**2002 CONSTITUTIONAL AMENDMENT  
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**CACR 30**, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that authority to local school districts; and it shall have the authority to determine the proportion of taxes necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision. (Alger, Graf 9; Welch, Rock 18; Sova, Graf 11; Boyce, Belk 5; Boyce, Dist 4:Finance)  
K (2 RCs) 563-569

**CACR 31**, relating to the valuation of real estate. Providing that real property in the state shall be valued in accordance with the method enacted into law by the general court and at such times as it shall order. (Weyler, Rock 18:Ways and Means)  
K 460

**CACR 32**, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. (Phinizy, Sull 7; et al: Election Law)  
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**2002 SESSION  
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**CACR 33**, relating to procedure for nomination of judges. Providing that the governor shall nominate judges from persons selected by an independent commission whose composition shall be determined by the legislature. (Judiciary)  
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**CACR 35**, relating to property taxation for education funding. Providing that the state shall not impose a real property tax to fund public education that requires the taxpayers in any political subdivision to provide funds in excess of the amount required to support the cost of public education for pupils in such political subdivision, nor shall the state require any political subdivision to impose, collect, or remit such a tax. (Bowles, Rock 35; et al: Ways and Means)

**new title:** relating to property taxation for education funding. Providing that if the state imposes a real property tax to fund public education, the state shall not collect, nor shall it require a political subdivision to collect or remit, such tax in excess of the amount contributed by the state to support the cost of adequate public education for pupils in such political subdivision.  
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**CACR 36**, relating to the funding of public education. Providing that the state shall fund an amount not less than 40 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. (Peterson, Hills 8; et al: Ways and Means)  
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- job training for economic growth, grant review committee members terms and
  - compensation repealed; cap on grants repealed; priority changed ..... SB 201
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**Regional planning commissions, coordination with state planning office; smart growth**

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firefighters, disability retirement, health insurance benefits extended to spouse and children .....	SB 332
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<b>Reuben Hill</b> , Hill's Bridge in Lee renamed Captain Reuben Hill Bridge .....	HB 1164am
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- approval of contracts for appraisers of real estate for municipalities; cease and desist orders for unauthorized appraisals ..... HB 213am
- authority to establish positions to implement low and moderate income homeowners property tax relief ..... HB 212am
- final decisions from taxpayer appeals, disclosure permitted ..... SB 28
- interim provisions for statewide property tax valuations until all municipalities have been revalued more recently than 1990; then values frozen for 5 years ..... HB 1358
- uniform system of property classification for assessment purposes ..... HB 365
- writ of mandamus against if property in state is not revalued every 5 years ..... HB 1315
- confidentiality of records, disclosure to LBA and administrative services for tax policy simulation and forecasting models, limitations ..... SB 423am
- education property tax hardship relief emergency rules required; violation of implementation a cause for removal of employee ..... HB 1369
- property reassessment, procedures ..... HB 549
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- discharge in compact part of town, written permission, certain landowners may substitute for police chief ..... HB 1155
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**Right to know law**

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- administrative license suspension, hearing may be held by telephone; law enforcement officer, presence at hearing requirement eliminated ..... HB 1108
- alcohol concentration tests for persons likely to be taken to a medical facility outside the state, provisions for emergency medical care providers ..... HB 1457
- annulment of conviction, time extended; retention of annulled records ..... HB 1460
- driver's license not renewed until all obligations are paid ..... HB 1460
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- persons convicted, impaired driver intervention program required; time for participation in program ..... HB 1436
- felony pursuit, causing death of another while being pursued by police; penalty increased ..... HB 1356
- lights, required when windshield wipers are in operation ..... HB 146
- speed limits on interstate highways and turnpikes raised ..... HB 1280

**Rockingham county, septage disposal facilities, feasibility of constructing, study** ..... HB 439

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- HB 223, allowing a state resident to obtain a license for a pistol or revolver for life. Question, adopt committee report of inexpedient to legislate. Yeas, 284; Nays, 76 ..... 64-67

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HB 285-FN-L, relative to the adoption of a state building code. Question, adopt committee report of ought to pass with amendment. Yeas, 255; Nays, 89 .....	125-127
HB 298-FN-L, relative to charter schools and establishing a charter school revolving fund. Question, adopt floor amendment. Yeas, 131; Nays, 217 .....	142-144
Question, adopt committee report of ought to pass with amendment. Yeas, 204; Nays, 150 .....	144-146
Question, pass over governor's veto. Yeas, 184; Nays, 145 .....	867-870
HB 420, apportioning state representative districts. Question, adopt majority report of ought to pass with amendment. Yeas, 223; Nays, 134 .....	300-302
Question, pass over governor's veto. Yeas, 208; Nays, 130 .....	871-874
HB 465, relative to the admission to practice law and to bar association membership for attorneys. Question, adopt committee amendment. Yeas, 266; Nays, 76 .....	109-111
Question, adopt committee report of ought to pass with amendment. Yeas, 316; Nays, 24 .....	111-114
Question, pass over governor's veto. Yeas, 205; Nays, 134 .....	874-877
HB 589, relative to eligibility for unemployment benefits for part-time workers. Question, recommit to committee. Yeas, 182; Nays, 163 .....	116-118
Question, adopt Baroody floor amendment. Yeas, 202; Nays, 152 .....	230-232
HB 592-FN-A, relative to a milfoil and other exotic plants prevention and research grant program and fund. Question, adopt committee amendment. Yeas, 93; Nays, 263 .....	83-85
Question, adopt motion of ought to pass. Yeas, 331; Nays, 26 .....	85-88
HB 622, relative to the time period for the executive council to confirm nominees to the supreme court. Question, pass over governor's veto. Yeas, 175; Nays, 166 .....	877-880
HB 672, relative to coverage for mental and nervous conditions. Question, adopt committee report of ought to pass with amendment. Yeas, 268; Nays, 78 .....	96-98
Question, adopt majority committee report of inexpedient to legislate. Yeas, 115; Nays, 226 .....	570-572
Question, adopt motion to nonconcur and request a conference committee. Yeas, 161; Nays, 165 .....	809-811
HB 675, relative to mercury source reduction. Question, adopt committee majority report of ought to pass with amendment. Yeas, 147; Nays, 207 .....	223-225
HB 689, establishing a committee to study the effectiveness and fairness of county government. Question, adopt committee report of inexpedient to legislate. Yeas, 193; Nays, 163 .....	78-80
HB 713-FN, addressing public health issues relative to indoor smoking. Question, adopt majority committee report of inexpedient to legislate. Yeas, 234; Nays, 120 .....	99-102
HB 757, establishing an early literacy and reading improvement initiative. Question, adopt motion to recommit. Yeas, 179; Nays, 181 .....	71-73
Question, lay on table. Yeas, 133; Nays, 227 .....	73-76
HB 762-FN-A, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund. Question, adopt committee report of inexpedient to legislate. Yeas, 236; Nays, 108 .....	166-168
HB 1000-FN-A, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. Question, adopt committee report of ought to pass with amendment. Yeas, 338; Nays, 19 .....	309-311
HB 1100-FN-A, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. Question, adopt majority report of ought to pass with amendment. Yeas, 192; Nays, 143 .....	407-410
Question, adopt committee report of ought to pass with amendment. Yeas, 219; Nays, 112 .....	616-618
HB 1178-FN, relative to the recreational taking of lobsters by scuba diving. Question, adopt majority report of inexpedient to legislate. Yeas, 261; Nays, 92 .....	316-318
HB 1187-FN, relative to criminal penalties for possession of a firearm in a safe school zone. Question, adopt committee amendment. Yeas, 235; Nays, 80 .....	415-417
HB 1209, relative to a civil rights act for health care providers. Question, adopt committee report of inexpedient to legislate. Yeas, 276; Nays, 60 .....	319-321

**Roll calls (cont.)**

HB 1233-FN-A, requiring an audit of the department of education and making an appropriation therefor. Question, adopt committee report of inexpedient to legislate. Yeas, 273; Nays, 83 .....	476-478
HB 1235, relative to operation of motorized vessels and safe boater education. Question, lay on table. Yeas, 105; Nays, 214 .....	844-846
Question, adopt conference committee report. Yeas, 169; Nays, 150 .....	846-848
HB 1236-FN, abolishing the marital master program. Question, adopt majority committee report of ought to pass with amendment. Yeas, 216; Nays, 132 .....	324-327
HB 1242, relative to the required vote for approving school district bond articles. Question, adopt majority report of ought to pass with amendment. Yeas, 144; Nays, 199 .....	575-577
HB 1249, adopting the model Drug Dealer Liability Act. Question, adopt committee report of ought to pass with amendment. Yeas, 306; Nays, 45 .....	327-330
HB 1268-FN, establishing a net operating loss deduction in computing the business profits tax. Question, adopt majority amendment. Yeas, 95; Nays, 241 .....	524-526
Question, adopt majority committee report of ought to pass with amendment. Yeas, 326; Nays, 11 .....	526-529
HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. Question, adopt minority amendment. Yeas, 118; Nays, 225 .....	510-512
Question, adopt majority committee report of ought to pass with amendment. Yeas, 211; Nays, 132 .....	512-514
Question, adopt committee report of ought to pass with amendment. Yeas, 256; Nays, 70 .....	636-639
HB 1280-FN, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. Question, adopt committee report of inexpedient to legislate. Yeas, 240; Nays, 105 .....	196-198
HB 1320, establishing a committee to study establishing enterprise zones in economically deprived communities. Question, adopt floor amendment. Yeas, 144; Nays, 209 .....	495-497
HB 1330-FN, requiring state agencies to respond to fiscal note requests in a timely manner. Question, adopt committee report of inexpedient to legislate. Yeas, 263; Nays, 96 .....	312-314
HB 1346, relative to participation in certain health education programs. Question, adopt majority committee report of ought to pass with amendment. Yeas, 157; Nays, 185 .....	539-541
Question, lay on table. Yeas, 145; Nays, 203 .....	541-544
HB 1348, clarifying the law regarding title-exempted vehicles. Question, adopt motion to nonconcur and request a conference committee. Yeas, 146; Nays, 157 .....	813-815
Question, adopt motion to concur with Senate amendment. Yeas, 192; Nays, 112 .....	815-818
HB 1353-FN-A-L, relative to video lottery at the racetracks. Question, adopt majority report of inexpedient to legislate. Yeas, 217; Nays, 130 .....	240-242
Question, lay on table. Yeas, 112; Nays, 237 .....	243-245
HB 1357-FN, relative to the form of drivers' licenses. Question, adopt amended report of ought to pass with amendment. Yeas, 228; Nays, 113 .....	519-521
HB 1363-FN-L, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. Question, adopt majority report of inexpedient to legislate. Yeas, 166; Nays, 179 .....	380-382
Question, adopt motion of ought to pass. Yeas, 188; Nays, 158 .....	382-384
HB 1366-FN, establishing a state employee cost-saving award program. Question, pass over governor's veto. Yeas, 203; Nays, 137 .....	881-883
HB 1376-FN, relative to distribution of tobacco settlement funds. Question, adopt committee report of inexpedient to legislate. Yeas, 205; Nays, 150 .....	479-481
HB 1380-FN, relative to parental consent for abortions performed on children less than 16 years of age. Question, adopt majority committee report of inexpedient to legislate. Yeas, 219; Nays, 126 .....	331-334
HB 1393, relative to business replacement costs resulting from government program displacement. Question, pass over governor's veto. Yeas, 182; Nays, 161 .....	884-887

**Roll calls (cont.)**

HB 1394, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. Question, adopt committee report of inexpedient to legislate. Yeas, 225; Nays, 88 .....	417-419
HB 1404-FN-A-L, establishing an economic development resort and casino at Jericho Lake Park in Berlin. Question, adopt majority report of inexpedient to legislate. Yeas, 234; Nays, 102 .....	246-248
HB 1405, relative to the Memorial Day holiday. Question, adopt committee report of ought to pass with amendment. Yeas, 231; Nays, 95 .....	411-413
HB 1416-FN, relative to the extent of the authority of agencies to adopt administrative rules. Question, adopt committee report of inexpedient to legislate. Yeas, 190; Nays, 150 .....	400-402
HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. Question, adopt majority report of ought to pass with amendment. Yeas, 185; Nays, 168 .....	491-493
HB 1423-FN, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. Question, adopt sections 1-5 of the majority amendment. Yeas, 191; Nays, 164 .....	387-389
Question, adopt majority report of ought to pass with amendment. Yeas, 208; Nays, 147 .....	389-392
HB 1446, relative to the recitation of the pledge of allegiance in the public schools. Question, adopt majority committee report of inexpedient to legislate. Yeas, 121; Nays, 234 .....	544-547
Question, adopt floor amendment. Yeas, 107; Nays, 249 .....	547-549
Question, adopt motion of ought to pass. Yeas, 253; Nays, 101 .....	550-552
HB 1449-A, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. Question, adopt majority amendment. Yeas, 153; Nays, 180 .....	632-634
Question, adopt floor amendment. Yeas, 212; Nays, 126 .....	689-692
HB 1450, authorizing the sweepstakes commission to allow multi-hall, linked bingo games. Question, adopt majority report of ought to pass with amendment. Yeas, 127; Nays, 200 .....	530-532
Question, refer to interim study. Yeas, 252; Nays, 75 .....	532-535
HB 1461-FN, transferring the office of emergency management to the department of safety, division of fire safety. Question, adopt committee report of ought to pass with amendment. Yeas, 238; Nays, 112 .....	561-563
HB 1462-FN-A-L, eliminating the statewide education property tax as a source of funding adequate education. Question, adopt majority committee report of refer to interim study. Yeas, 146; Nays, 152 .....	587-589
Question, adopt motion of ought to pass. Yeas, 188; Nays, 116 .....	589-591
HB 1464-FN, prohibiting human cloning in New Hampshire. Question, adopt majority committee report of inexpedient to legislate. Yeas, 233; Nays, 100 .....	620-623
HB 1483, relative to filling vacancies occurring on school boards. Question, adopt committee report of ought to pass with amendment. Yeas, 181; Nays, 157 .....	607-609
HB 2000, relative to the state 10-year transportation improvement program. Question, adopt sections 2 and 3 of the committee amendment. Yeas, 119; Nays, 230 .....	499-501
HB 2002, apportioning state representative districts. Question, suspend rules for introduction. Yeas, 212; Nays, 122 .....	892-894
HCO 1, relative to implementing an election pursuant to representative districts established in the order. Question, postpone vote on question to introduce. Yeas, 141; Nays, 198 .....	894-897
Question, uphold ruling of the chair that introduction motion required a majority vote. Yeas, 190; Nays, 142 .....	897-899
Question, adopt motion to recess until noon. Yeas, 132; Nays, 196 .....	899-902
HCR 14, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. Question, adopt floor amendment. Yeas, 212; Nays, 134 .....	169-172
Question, adopt amended report of ought to pass with amendment. Yeas, 188; Nays, 152 .....	172-174
HR 21, urging the development and implementation of a national missile defense system. Question, adopt floor amendment. Yeas, 65; Nays, 266 .....	340-343
Question, adopt majority committee report of ought to pass with amendment. Yeas, 186; Nays, 135 .....	343-345

**Roll calls (cont.)**

SB 1, apportioning state Senate districts. Question, adopt motion to recommit. Yeas, 155; Nays, 189 .....	610-612
Question, adopt committee report of ought to pass. Yeas, 203; Nays, 146 .....	612-615
SB 31, eliminating straight ticket voting. Question, adopt committee report of inexpedient to legislate. Yeas, 200; Nays, 142 .....	137-139
SB 34, relative to the process for nonrenewal of teacher contracts. Question, adopt committee amendment. Yeas, 218; Nays, 119 .....	728-730
SB 112, relative to election day registration. Question, adopt majority committee report of ought to pass with amendment. Yeas, 223; Nays, 127 .....	735-737
SB 141, relative to proof of qualifications for voter registration. Question, adopt report of ought to pass. Yeas, 233; Nays, 121 .....	102-105
SB 315-FN, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. Question, adopt floor amendment. Yeas, 176; Nays, 180 .....	671-673
Question, lay on table. Yeas, 177; Nays, 179 .....	673-675
Question, adopt motion of refer to interim study. Yeas, 292; Nays, 64 .....	675-678
SB 319, relative to participation in international lotteries. Question, adopt committee report of ought to pass. Yeas, 251; Nays, 87 .....	684-686
SB 332-FN, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. Question, adopt committee report of refer to interim study. Yeas, 199; Nays, 151 .....	665-668
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